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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 38490-2023
Date of Decision August 07, 2023*Manzur Masih**.....Petitioner**versus**State of Punjab**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Rishu Mahajan, Advocate for the petitioner

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Rajbir Sehrawat, J, (Oral)

This is a second petition filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 52 dated 22.05.2023, registered under Sections 306 and 34 of the Indian Penal Code at Police Station Dhariwal, District Gurdaspur.

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. The deceased had left a suicide note as well. However, the petitioner was not named in the said suicide note. Not only that even a voice message is said to have been sent by the deceased to his brother and the petitioner has not been named in the said voice message. Rather, all other accused are named by the deceased. Counsel for the petitioner has further submitted that there is no positive act done by the petitioner so as to instigate the deceased to commit suicide. Therefore, no offence under section 306 IPC is even made out against the petitioner in the

present case. To buttress his arguments, counsel for the petitioner has relied upon certain judgments of Hon'ble the Supreme Court, rendered in the cases ***'Chitresh Kumar Chopra vs State (Govt. of NCT of Delhi)', (2009) 16 SCC 605: 'Gurcharan Singh vs. State of Punjab', 2017 (1) RCR (Criminal) 118: 'S.S. Chheena vs Vijay Kumar Mahajan and another', (2010) 12 SCC 190 and 'Ramesh Kumar vs State of Chhattisgarh, (2001) 9 SCC 618.***

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent State.

Counsel for the State, being instructed by ASI Jitender Kumar has submitted that the name of the petitioner has surfaced during investigation. During investigation, it has come out that the petitioner himself had taken a sum of Rs.24,00,000/- from the deceased on the pretext of sending the deceased abroad. However, he was never sent abroad nor was money returned by the petitioner. The investigation is at initial stage. Since the details of the participation of the petitioner, as well as, recovery of the money is yet to be effected by the police, therefore, custodial interrogation of the petitioner is imperative in the case. Hence, the petitioner does not deserve the concession of anticipatory.

Having heard counsel for the parties and having perused the case file, this Court finds that there are specific allegations emerging against the petitioner regarding taking of huge amount of Rs.24,00,000/- from the deceased. The investigation is at the initial stage. The trail of money is to be discovered and money is yet to be recovered by the police, therefore, this Court finds substance in the arguments raised by counsel for the State.

So far as, the judgments cited by counsel for the petitioner are concerned, the same are of no help to the petitioner, at this stage.

In view of the aforementioned facts and circumstances of the case, as well as, submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner, at this stage.

Dismissed.

(Rajbir Sehrawat)
Judge

August 07, 2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No