

215 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-45137-2023

Date of Decision:19.09.2023

Randhir Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Harvinder Singh Maan, Advocate, for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police GRP, Sub-Division Ferozepur has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the present petition under Section 438 of Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.46 dated 12.07.2023, registered under Section 306 of IPC, at Police Station GRP Bathinda, District Govt. Rly Police.

3. As per the case of the prosecution, the FIR in the present case was registered on the basis of the statement made by Jagsir Singh son of Budh Singh. As per the complainant, his younger brother Gurpreet Singh had committed suicide on 10.07.2023 by jumping in front of a train. One suicide note was recovered during the search of clothes of deceased. As per the suicide note, Gurpreet Singh (since deceased) had written in that Randhir Singh Dheera, accused had committed rape on his wife and Randhir Singh Dheera had granted him a loan of Rs.50,000/-. The deceased had paid eight installments, still the accused was harassing him. It was further mentioned that the accused had

grabbed his gold and he was threatened.

4. At the outset, learned counsel for the petitioner submits that neither the petitioner nor any of his family members had extended any loan to Gurpreet Singh (since deceased) or any of his family members. He further contends that the petitioner is not having any pronote, receipt or any other documents to show that the loan was ever granted to the deceased or his family members. He further contends that in fact, Gurpreet Singh (since deceased) was suffering from mental depression, due to his poor financial condition. He was working with one Mela Singh, mason, who was inimical towards the present petitioner. Learned counsel further contends that the petitioner never committed any bad act with wife of deceased as alleged in the suicide note and no complaint was made by any one, including wife of the deceased, against the present petitioner. Learned counsel further contends that even no offence under Section 306 IPC is made out against the present petitioner as he had never abetted the suicide of Gurpreet Singh. He further contends that the petitioner is ready to join the investigation and his custodial interrogation is not required.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C.

It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

(N.S.SHEKHAWAT)
JUDGE

19.09.2023
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No