

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18604-2024(O&M)
Date of Decision:- 09.05.2024

SUBHASH CHANDER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Siddarth Sihag, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana..

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Sections	Police Station
72	16.02.2023	306 and 34 IPC	Adampur, District Hisar

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 18.04.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from SI Surinder Singh has intimated that the petitioner has joined investigation and is no more



required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 18.04.2024 the following order was passed:-

“2. It is inter alia contended by the learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. They contend that the petitioners had no concern with the deceased who committed suicide on 16.02.2023. They refer to the allegations levelled in the FIR wherein it is mentioned that the deceased Bhup Singh has also earlier tried to commit suicide on 04.02.2023 but was over powered. They contend that in the present FIR alleged suicide note dated 04.02.2023 had been made basis to implicate all the accused in the case whereas there is no mention of such attempt being made on 04.02.2023 in the FIR (Annexure P-3) got registered by none else but deceased Bhup Singh himself. They submit that there is neither any mention of the petitioners being instrumental in the wife of deceased leaving the matrimonial house nor there is mention of any money transaction between the deceased and the petitioners Subhash and Prithvi. It is also contended that no specific overt act has been attributed to the petitioners in the alleged suicide note and the complainant has concocted a false story to harass the petitioners.

3. Per contra, learned State counsel assisted by learned counsel for the complainant refers to the replies dated 31.03.2024 and 16.04.2024 submitted by the State in the form of affidavit of Deputy Superintendent of Police, Law and Order, Hisar have assailed these arguments by submitting that the deceased committed the suicide as the petitioners Subhash and Prithvi Singh had taken money from him about 10 years back for purchasing certain land which they had not purchased. They submit that the deceased being fed up from the acts and conducts of the petitioners had committed suicide on 16.02.2023 by leaving behind suicide note dated 04.02.2023. They however, contended that the petitioners participated in the crime and as such they are not entitled to concession of anticipatory bail.

4. Considering the respective submissions and perusing the record, it transpires that the instant FIR was registered on the complaint of the daughter of Bhup Singh who allegedly



committed suicide on 16.02.2023. It is mentioned therein that the petitioners Prithvi and Subhash had taken some money about 10 years back from the deceased for purchasing some land which they never purchased and the deceased was upset with the same. However, it is stated that wife of deceased had left the matrimonial house on 23.01.2023 on the instigation of the accused persons and is still missing and the deceased had tried to commit suicide on 04.02.2023 but he could not succeed due to intervention. Later he got FIR (Annexure P-3) registered qua missing of his wife and ultimately on 16.02.2023 committed suicide leaving behind the suicide note dated 04.02.2023.

5. SI Surender Singh, Investigation Officer present in Court has categorically admitted that FIR (Annexure P-3) was got registered by the deceased on 07.02.2023. A perusal thereof, would reveal that neither anything is mentioned about the alleged attempt made by the deceased to commit suicide on 04.02.2023 nor is there any mention regarding the present petitioner being instrumental in the wife of petitioner being missing and further there is no mention of money transaction between the deceased and the petitioner qua sale of the property as mentioned in the FIR.

6. This be the case, without commenting on the merits of case, it is deemed appropriate that the petitioners should join the investigation first before deciding the petitions on merit. Resultantly, the petitioners are hereby directed to join investigation within seven days from today and in the event of their arrest, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 18.04.2024 passed by this Court, interim bail granted vide order dated 18.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will



influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

09.05.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |