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

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Date of decision: 08.05.2024

Bachittar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.B.S. Dhillon, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.0026 dated 18.02.2022 registered under Sections 306, 120-B IPC at Police Station City Rupnagar, District Rupnagar.

2. The allegations in brief are that deceased Sunil Kumar committed suicide by shooting himself in front of house of Dr. Sardana situated in the area of Ranjiv Avenue, on 17.02.2022. A suicide note written by deceased was recovered from his bed room when the search of said room was effected by the police. In the said suicide note it was mentioned that:-

“Shiv Verma son of Ram Nath and his wife Monika Verma resident of Near Hanuman Mandi sold a shop situated in Main Bazar Rupnagar for consideration of Rs.1.45 lac regarding which a case was pending in the Court. Besides this petitioner Bachittar Singh resident of House No.203, Giani Zail Singh Nagar, Ropar committed fraud with him. Diljit Singh resident of House No.47 Rajdeep Nagar, Rupnagar, his wife Harbhajan



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Kaur and son in law Gurpreet Singh executed agreement regarding land measuring 635 square yards for Rs.2.65 lac, but possession of the said property was never handed over. Bhura marketwala Dharamjit grabed Rs.65 lac and the abovesaid persons harassed and blackmailed him and they also gave threat to kill him and his family members. That the above mentioned persons are responsible for his death.”

On the basis of said suicide note, instant case was registered against the petitioner and other accused persons.

3. The counsel for the petitioner submits that the petitioner is falsely implicated in the present case. That petitioner never instigated or abetted deceased Sunil Kumar to end his life by committing suicide. It is further submitted that the only allegations against the petitioner are that he committed fraud with the deceased and is responsible for his death along with other persons named in the suicide note. The counsel for the petitioner further submits that the matter was investigated by the police and police presented cancellation report in the Court concerned. It is further submitted that other accused persons named in the suicide note are already given the benefit of anticipatory bail. The counsel for the petitioner further submits that the petitioner was also granted interim bail with direction to join investigation with the police vide order dated 01.05.2024 by the Co-ordinate Bench of this Court and in compliance of the said order petitioner has joined investigation.

4. Status report by way of affidavit of Harpinder Kaur Gill, Deputy Superintendent of Police, Sub Division Rupnagar filed on behalf of State is taken on record.

5. The State counsel submits that the petitioner was named in the suicide note left by the deceased. He further submits that earlier the matter was enquired into by DSP(HQ) Rupnagar and subsequently cancellation



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report was submitted but the said cancellation report was not accepted by the Court of CJM, Rupnagar who ordered further investigation vide order dated 17.03.2023. It is further submitted that thereafter the matter was investigated by a Special Investigation Team (SIT) and challan has been presented. That petitioner has joined investigation in compliance of the earlier order dated 01.05.2024 and is not required for any further investigation in the present case.

6. The present petition is resisted by the counsel appearing for the complainant who submits that petitioner is specifically named in the suicide note left by the deceased. It is further submitted that deceased ended his life being fed up by the persistent harassment caused to him by the petitioner and other accused. It is further submitted that petitioner took certain money from the deceased on the pretext of sale of certain property but thereafter petitioner failed to execute the sale deed and even the amount taken was not returned to the deceased. It is further submitted that the custodial interrogation of the petitioner is necessary for proper investigation in the present case.

7. I have considered the submissions made by counsel for the parties.

8. The prosecution has relied upon suicide note left by the deceased in order to establish the liability of the present petitioner. It is settled position of law that mere mention of individual's name in suicide note cannot be sole basis to fasten his liability under Section 306 IPC.

9. It is not disputed by the State counsel that earlier after completion of investigation, police submitted cancellation report but the same was not accepted by the Court concerned and same was sent back with



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direction to conduct further investigation. Now the challan has been presented against the other accused persons named in the suicide note, who are already given benefit of anticipatory bail.

10. The only allegations against the present petitioner in suicide note are that he committed fraud against the deceased and also harassed him and compelled him to commit suicide. No document is placed on record by the prosecution to show that prior to the present incident, any complaint was lodged by the deceased against the petitioner with regard to aforesaid alleged fraud or harassment. It is a matter of evidence as to whether the petitioner was persistently harassing the deceased or was having any intention that the deceased should end his life by shooting himself. The concerned recoveries are already effected in the present case. Now nothing is required to be recovered from possession of the petitioner. Further the petitioner has already joined investigation with the police and is not required for any further investigation in the present case by the police. In the given circumstances, no purpose is going to be served even if petitioner is subjected to custodial interrogation at this stage.

11. In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 01.05.2024 is hereby made absolute. The petitioner is to abide by the conditions as envisaged under Section 438(2) Cr.P.C.

08.05.2024*Yogesh***(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned:-
Whether reportable:-****Yes/No
Yes/No**