



211 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-28584-2024
Date of decision: 24th July, 2024
Sanjeev Kumar @ Sanjiv Chopra and another

...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. PKS Phoolka, Advocate for the petitioners.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
25	19.05.2024	Phool, District Bathinda (Punjab)	306/34 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Jagdeep Singh on 19.05.2024 alleging therein that his father Balvir Singh had some financial dealing with accused Janak Raj Chopra and his sons Sanjiv Kumar @ Sanjiv Chopra and Avinash Chopra (petitioners) about 20-25 years back, as he had borrowed a sum of Rs. 25/30,000/- from them. The said amount of money had been returned but accused Janak Raj Chopra had managed to procure the signatures of his father on some pronote which he did not return. He alleged that on 17.05.2024, the Tehsildar and Patwari of their area came to their village



along with the petitioner and co-accused for taking possession and auctioning of their land which was their joint property. On coming to know about this, his father was highly depressed and on 18.05.2024, he consumed some poisonous substance. He was immediately rushed to the hospital but died on the way. He also alleged that a suicide note was recovered from the kurta worn by his father, wherein he had held the petitioner and co-accused responsible for his death. He prayed for taking action against the culprits. After registration of FIR, investigation proceedings have been initiated and are under way. Apprehending their arrest, the petitioners had moved applications for grant of bail before the Court of learned Additional Sessions Judge, Bathinda which were dismissed vide order dated 23.05.2024.

3. The present petition has been filed by the petitioners on the grounds and it is argued by his counsel that they have been falsely implicated in this case. Infact, the victim had borrowed an amount of Rs. 2,28,000/- in cash from their father and had agreed to pay interest at the rate of 2% per month on 01.01.2023. A pronote and receipt were executed by him in this regard. As the victim failed to pay the amount so borrowed, therefore, father of the petitioners had filed a suit for recovery of money which was decreed in his favour. The said decree had attained finality. Execution proceedings were initiated and property of the victim was ordered to be attached for realisation of the decretal amount. On 17.05.2024, the co-accused, Tehsildar had reached at the spot for auction of the property as per the Court orders and the petitioners along with co-accused had also gone there. It is argued that the provisions of Section 306 of IPC had not been



attracted at all in this case. The victim had committed suicide next day after 17.05.2023. Neither they were present at the spot nor was there any instigation on their part to abet suicide by the victim. They have already joined the investigation. Their custodial interrogation is not required. Therefore, it is argued that the petition deserves to be allowed.

4. Vide order dated 30.05.2024, the petitioners were directed to join the investigation by surrendering before the Arresting Officer and it is submitted by learned State counsel that they have joined the same and also that their custodial interrogation is not required. It is, however, argued by learned State counsel assisted by learned counsel for the complainant that since there are serious allegations against the petitioners, therefore, they do not deserve to be extended benefit of pre-arrest bail.

5. I have heard learned counsel for the petitioners as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioners are alleged to have abetted the suicide by the victim. It is not in dispute that in pursuance of a decree passed by the Civil Court, the petitioners along with Government officials i.e. Tehsildar and Patwari etc. had visited the property of the victim on 17.05.2023 which was got attached for auction of the same for realisation of the decretal amount. The victim had consumed poisonous substance on 18.05.2023 which resulted in his unfortunate death. The victim is also shown to have left a suicide note as per which the petitioners and their father were responsible for his death. The authenticity of this note is to be decided on thorough



assessment of evaluation of the evidence produced before the trial Court. For the purpose of bringing out a case for commission of offence under Section 306 of IPC, specific abetment as contemplated under Section 107 of IPC on the part of the accused with an intention to bring out the suicide of the person concerned as a result of that abetment is required. The mere allegations that because of the accused, the victim committed suicide is not sufficient, unless there is some material on record to show that some particular action on the part of the accused compelled the victim to commit suicide and his suicide was proximate to some offending action. The intention of the accused of aiding, instigating or abetting deceased to commit suicide is a must for offence. Whether the petitioners committed any offence under Section 306 of IPC is certainly a question of debate in view of the nature of the allegations levelled against them in this case. The custodial interrogation of the petitioners is no more required. No useful purpose would be served by detaining them in custody. In view of the above discussed facts, without commenting on the merits of the case, the present petition is allowed and the order dated 30.05.2024 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

24th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |