



208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45588-2024

Date of Decision: October 03, 2024

PARMESH ARORA

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioners in FIR No.73, dated 07.05.2022, under Section 306 IPC, 1860 registered at Police Station Gharinda, Amritsar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'Statement of Sukhwinder Singh son of Bir Singh Kom Sikh, Resident of Ladhewal Police Station Gharinda District Amritsar mobile no 9501380899, age around 36 years, Stated that I am a resident of the said address and working in Medical Clinic Ladhewal. We are two brothers and one sister, eldest brother Pritpal Singh, sister Palwinder Kaur wife of Satnam Singh resident of Panjwad and I am the youngest. My



elder brother Pritpal Singh who used to practice RMP in village Jathol. He was sitting in his room today around 05:30 in the evening, when I went to the room, to meet my brother I saw that my brother had committed suicide by hanging himself with a fan. A suicide note was found written in the right side pocket of the kurta worn by the brother, it has my brother's signature and the content written in the suicide note is as follows "At Seva, S.S.P. Police District Rural DSP Attari and SHO Gharinda Sahib. It is requested that I took money from these people: 1. Jagdeep Singh Deep Bhalwan S/O S. Sukhdev Singh Jathol Rs. 3 lakh rupees @ 2% 2. Pankaj Arora Swami Medical Store Katra Sher Singh M-NO.9478894986 and his brother Parvej whose M-No.9465016824 Rs. 5 Lakhs @ 3%. 3. Kawaljit Singh Kholi s/o Baljit Singh Village Ladhewal M-NO. 987270882 Rs.3 Lakhs at 3%. 4.Sukhraj Singh Guru Nanak Medical Store Khassa M-NO.6280113513 there are committees for this two of Rs. 5-5 lakhs, two of Rs. 6-6 lakhs. 5. Bittu Rajatal Lal Singh Doctor's brother Mobile number 9815990883 1 committee of 2 lakhs 55 thousand 6. Malkit Singh Village Bhaje Rs. 1 lakh 20 thousand 7. Gurdev Singh Gandiwand is more than Rs. 1 lakh. Mr. Mann ji from whom I have taken money. I have given it for my daughter's marriage. I was giving them the money back on interest but they said that give our money back otherwise cheque and copy of the Aadhaar card which you have given. We will submit in the court. Jagdeep Singh Deep Bhalwan has copy of adhaar Card and cheque, Kawaljit Singh has cheque and Aadhaar card copy, Pankaj Arora has my 3 Cheques and Aadhaar card copy, my wife's 3 cheques and adhaar card copy. My wife does not know about the cheques. I took it without telling her and signed it myself. Similarly, Sukhraj Singh Guru Nanak Medical store has 1 cheque and copy of aadhar card who is from the village of my brother in law Satnam singh s/o Amar Singh village. They are from Panjwad. They don't know that I



took it myself and also set up the committee, this is illegal as they do not have the right to take interest money or the committee and Gurdev Singh Debi S/O Karaj Singh took Rs. 1 lakh and 5 thousand from me, he has returned only Rs. 27,000/-, his mobile number is 9814215068. If he doesn't say this, then tell him to swear on his son. There is an employee in H.P.B bank MNO.9877778505 and 9501618562 and he asked to give home loan to me. I followed him for 4 months; he cheated me and cheated many more. Sir, I was saddened by all this and therefore I committed suicide. Legal action should be taken against them. And protect my child and my wife along with my properties such as Motorcycle and Activa, house and other immovable property. I have no money to give committee or pay loan. My son is in army I have also taken a loan from his salary of 7 lakh rupees it has also gone to the committee.. SD/-Pritpal Singh, correct/- Pritpal Singh my brother Pritpal Singh because of (1) Jagdeep Singh Deep Bhalwan Janol S/O Sr. Sukhdev Singh Janol, (2) Pankaj Arora Sewami Medical Store Katra Sher Singh and his (3) brother Parvej (4) Kawaljit Singh Kholi S/O Baljit Singh Village Ladhowal, (5) Sukhraj Singh Guru Nanak Medical Store Khasa, (6) Bittu Rajatal, (7) Malkit Singh Village Bhaje, (8) Gurdev Singh Gandiwand repeatedly harassed and due to this my brother was Saddened, and he hanged himself in the room with a noose around his neck and ended his life. Correct/ Sukhwinder Singh said, verified correct/- Harpal Singh ASI Police Station Gharinda Date 07- 05-2022 Action Police:- Today ASI including Sepoy Charanjit Singh No. 1357, Sepoy Karanbir Singh No. 1331, Sepoy Amritpal Singh 793, PHG Mr. Atma Singh No. 20345 including laptop printer on private vehicle were patrolling and were present in Kallewal that Sukhwinder Singh son of Bir Singh Sikh resident of Ladhowal came to me and recorded his statement to me that and a suicide note was presented to me. His statement was read, read



and explained. He accepted his statement as correct and signed his statement in Punjabi, which I verified. The statement is found to be under section 306. The statement is sent to the police station to register the case with PHG Atma Singh No. 20345. The case should be registered and number should be informed about the case. Special reports are issued and sent to the service of the District Magistrate Sahib and the other officers. notification to be given to Control room via Bajrian wireless. Correct/- Harpal Singh ASI Police Station Gharinda Date 07.05.2022 Today Bahad Mor Kallowal AT:- 12-02 AM Today Police Station: - At present, the said statement is in Mosul police station, the case is registered under the said crime section, and the original statement is sent to ASI. By issuing special reports to ASI Sarwan Singh 224/ASR-R. is sent to district Magistrate and other officer and officers. chief officer notified via Bajria. Complete report:-03, Time:-01-00 PM Dated 07.05.2022.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It is contended on behalf of the petitioner that the basic ingredients of offence under Section 306 IPC cannot be established against the petitioner. It is further contended that the deceased had taken a lot of money from the petitioner and his co-accused, on account of which while committing suicide he mentioned the name of the petitioner and his co-accused. It is submitted that the deceased had also taken amount from various persons and issued the cheques from his and his wife's account to repay the same. Moreover, there is no motive for the petitioner to commit such heinous crime and except the suicide note there is



on record to show that the petitioner in any manner has instigated the deceased to commit suicide which is the basic ingredient to invoke Section 306 IPC.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer has opposed the prayer made in the present petition stating that a suicide note was recovered from the pocket of the deceased wherein specific allegations are levelled against the present petitioner along with other co-accused persons.

4. Analysis

It is not in dispute that suicide note was recovered from the pocket of the deceased wherein he has mentioned the name of the petitioner along with other co-accused. It is worthwhile to mention here that in the suicide note it was alleged by the deceased himself that he has taken loan from different persons on interest and therefore, a mere allegation that the present petitioner has harassed the deceased is not sufficient to implicate the petitioner in the present case.

Reliance can be placed upon the judgment of the Apex Court in case of *Mariano Anto Bruno v. Inspector of Police* 2022(9) WIC 394 wherein it has been reiterated that before convicting an accused under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in



cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

Also added with the fact that similarly situated co-accused person stands enlarged on anticipatory bail vide order dated 30.08.2022 (Annexure P-2), this Court finds no reason to deny the concession of anticipatory bail to the present petitioner wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



CRM-M-45588-2024

7

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

03.10.2024*Sangeeta*

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