



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47419-2024
DECIDED ON: 23.09.2024

HARDEEP SINGH AND OTHERS
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aayush Goyal, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought
- The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.111, dated 12.06.2023, under Section 306 IPC, registered at Police Station Talwandi Sabo, District Bathinda.
2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Veerpal Kaur wife of late Satal Singh resident Jogewal, aged about 20 years phone No.93503-26217. It is stated that I am residnet of the address. I am married with Satpal Singh son of Jagsir Singh resident of Ratanpura Tehsil Sangheera (Rajasthan) for the past 8 years and my son Navjit Singh aged about 7 years and Lovejot Singh aged about 5 years. My husband Sukhpal Singh was a carpenter and he was doing wood in our

earlier village Rattanpura. But our work could not start properly so we along with entire family moved to village Jogewal, Talwandi Sabo and started residing there and as such my husband gathered some money and borrowed some money from some people and relatives last year and purchased our own house at Jogewal and started residing permanently in village Jogewal. My husband's carpenter work is not going on properly and he used to remain stressed because of the money he had borrowed during the night of 10/11-05.2023. I along with my children were sleeping in one room and my husband was sleeping in other room, when I woke up on the morning of 11.05.2023 at 7:30 am I saw that my husband had hanged himself from the fan by using the dupatta and his dead body was hanging from the same. Upon seeing this I got shocked and went into depression. I was not in my senses as I could not apprehend what had happened and that day I had got recorded my statement that my husband due to mental stress and on account of the loans had committed suicide and no-one was responsible for the same nor I am having suspicion on anyone and I do not want any legal enquiry against anyone. Upon which the police had got my statement recorded with regard to the death of my husband and had started proceedings under section 174 CrPc. Since that day and till today I am very mentally stressed and depressed. Now after completing the last rites of my husband I was arranging things at my house and found the touch screen phone of my husband and the same was switched off as the battery of it was drained. Then I charged the same and started it and found that on 10.05.2023 my husband had gone to Bathinda for some work and made 6 six video recording which according to the time of the mobile was made at about 02:04 Pm in day of 3 minutes 59 seconds, 02.06

Pm of 25 seconds, 02:08 Pm of 1 minute 8 seconds, 3:48 Pm of 27 seconds, 3:49 Pm of 21 Seconds and one video recording was made after we had come from Jogewal which was made around 8:27 in night before he died, which was 44 seconds long video. I saw this video and as per the same my husband had done work with Jagveer Singh, gangi Singh and Baldev Singh residents of Tiona Pujarian and Billa Singh resident of Desu Malgana Police Station kalia and he had to receive Rs 93,000 from them out of which he had received Rs.78,000 and the remaining amount was left and these persons were not completing the payment of my husband because of which my husband was very stressed. Also my husband had to take Rs.83,000 from Malkiat son of Goga Singh resident of Jogewal out of which he had received Rs.39,000 but he had taken Rs.5,000 back the next day and he had paid 2 installments of Rs.2700/- to my husband. The persons who had to take the installments from husband had his phone number and they regularly harassing my husband by calling him again and again and Hareep Singh son of Chanan Singh resident of Mandi Khurd who is son of husband's paternal aunt who had taken Rs.35,000/- from my husband and when my husband had demanded the said money back he would dilly delay the matter on one pretext or the other. My husband has taken Rs. 15,000 from Kala Singh Munjison of Teja Singh resident of Jogewal which was duly returned by him with interest but Kala Singh had taken Blank Cheque from my husband who was not returning them. Further my husband had taken Rs.10,000 from Jeet Fauji Jogewala which was duly returned with interest and blank cheque of my husband was with Jeet Singh who was not returning them back. All this has been duly stated by my husband namely Sukhpal Singh in the

videos which was made during his death in which he has named the persons and reasons for his death which was duly recorded in his touch screen mobile phone. I submit you the mobile phone of my husband Sukpal Singh in which these recordings are made. Jagveer Singh, Gaggi Singh and Baldev singh resident of Tiona Pujarian Police Station talwandi Sabo and Billa Singh resident of Desu Malkana Police Station Kalian Vali, malkeet Painter son of Goga Singh resident of Jogewala Police Station Talwandi Sabo, Hardeep Singh son of channan Singh resident of Mandi Khurd Police Station Balian who is son of my husband's paternal aunt, Kala Singh Munji son of Teja Singh resident of Jogewala police station Talwandi Sabo, Jeet fauji resident of Jogewala police station Talwandi Sabo harrassed my husband to that extent that he took his life after getting stressed from the above said persons. Strict action be taken against these persons. I have heard my statement to be true and correct to my knowledge. Veerpal Kaur Sd/-”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case and there is a delay of more than one month in lodging the instant FIR. He further contends that no provocation or instigation by the petitioners is made out and moreover, the petitioners helped the deceased by lending him money. It has been contended on behalf of the petitioners that co-accused, namely, Narinderpal Singh @ Kaka Singh @ Munji and Gurpreet Singh @ Gaggi Singh have been granted the concession of anticipatory bail by this Court vide orders

dated 14.08.2024 (Annexure P-7) and 30.07.2024 (Annexure P-8) passed in CRM-M-39593-2024 and CRM-M-36275-2024.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail to the petitioners on the grounds that the petitioners are involved in a serious offence. He further submits that as the investigation is not yet completed, the custodial interrogation of the petitioners are required for fair investigation in the matter.

4. Analysis

Be that as it may, after having given a thoughtful consideration to the submissions made by counsel for the parties and the fact that there is an inordinate delay of more than one month in lodging the instant FIR; co-accused, namely, Narinderpal Singh @ Kaka Singh @ Munji and Gurpreet Singh @ Gaggi Singh have been granted the concession of anticipatory bail by this Court vide orders dated 14.08.2024 (Annexure P-7) and 30.07.2024 (Annexure P-8) passed in CRM-M-39593-2024 and CRM-M-36275-2024, this Court finds no reason to deny the concession of anticipatory bail to the petitioners.

5. Decision

Hence, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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;

(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 480, as if the bail were granted under that section.’

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

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

23.09.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No