



CRM-M-48323-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M-48323-2024
Date of Decision : 29.10.2024

Jasvir Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nitin Thatai, Advocate and
Ms. Monika Thatai, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. This Court, on dated 26.09.2024, had passed the hereinafter
extracted order, upon the instant petition:-

“The petitioner, who is a Branch Business Head (Branch Manager), with Equitas Small Finance Bank Ltd., (Private Bank), approached this Court for grant of 'anticipatory bail' in case FIR no.186, dated 20.08.2024 (Annexure P-1), under Section 108 of the BNS, 2023, registered at Police Station City Phagwara, District Kapurthala, as one person namely Kuljit Singh, had committed suicide.
The instant FIR has been registered on a statement made by the wife of the deceased-Kuljit Singh, wherein, she alleged that the bank officials (including present petitioner), harassed his husband, and despite depositing the bid amount of Rs.5.20 lakhs with the bank, the vehicle was not transferred in the name of her husband (since deceased), and even NOC of that vehicle was not provided to him, and because of this act of the petitioner, her



husband felt harassed and committed suicide.

In asking for the relief (supra), learned counsel for the petitioner submits that the deceased has participated in an offline bid for the sale of one Eicher Pro Truck, on 28.06.2024, and the deceased after inspecting the said truck voluntarily participated in the bid, and being the highest bidder, the bid was issued in favour of the deceased. The entire payment of the truck was made by the present complainant.

He further submits that the physical possession of the truck was handed over to the deceased. The deceased also submitted a sworn in affidavit, with the bank to the effect that he would get the vehicle transferred by paying the road tax, and get insurance issued in his name, and he would manage to get the duplicate RC issued. For that he placed reliance upon Annexure P-5, which is an affidavit dated 29.06.2024.

He also submits that the truck was duly got insured by the deceased, and, the deceased also submitted an original RC alongwith Rs.10,000/- with the said bank towards road tax, which was thereafter, deposited with the RTO, Solan, for getting the vehicle transferred from the name of earstwhile owner to Kuljit Singh (since deceased).

He over and above submits that the said bank also applied for cancellation of road permit, which was issued in the name of earstwhile owner, and to be re-issued in the name of Kuljit Singh, on 09.08.2024. Even the hypothecation, which was in the name of earlier owner, was changed in the name of deceased-Kuljit Singh on 08.08.2024. Only the NOC which is pending to be deposited with the RTO, Solan, for the purpose of transfer of the truck in the name of deceased, and the bank had also advised the deceased it to collect from the bank. For that learned counsel for the petitioner placed reliance upon Annexure P-9 and P-10.

By referring to the above sequence of events, learned



counsel for the petitioner submits that there is no ingredient of abetment.

He in addition submits that though one person has unfortunately committed suicide, but to constitute an offence of abetment, intention and involvement of accused to aid or instigate for commission of suicide is imperative. There is no such allegation against the present petitioner.

He to the greater extent submits that the petitioner was performing his duty diligently and most of the process of transferring the truck in favour of the deceased had already finalised.

He finally submits that even the possession of the vehicle was handed over to the deceased on the date of auction itself.

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

Adjourned to 29.10.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 482(2) BNSS, 2023.”

2. Today, the learned State counsel on instructions imparted to him from the Investigating Officer concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 26.09.2024, is hereby made absolute, subject to the hereinafter extracted



*“(i) the petitioner(s) shall not commit an offence similar to the present offence;
(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”*

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

October 29, 2024
Manpreet

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