

2024:PHHC:037979

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

204

CRM-M-55395-2023
Date of Decision : **14.03.2024**

RAGHUBIR SINGH ALIAS RAGHBIR SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Vikas Kumar, Advocate,
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr.P.K.Rana, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.486, dated 30.08.2023, under Sections 306 and 34 of the IPC, registered at Police Station Rania, District Sirsa.

2. The complainant-Charanjit Kaur, wife of the deceased-Shamsher Singh. On dated 30.08.2023, she got her statement recorded, wherein, she alleged that they have an existing dispute relating to land and outstanding money transactions with the present petitioner, who is the real younger brother of her husband-deceased-Shamsher Singh. It was further alleged that Raghubir Singh (present petitioner), who is working in the Punjab police, was harassing the deceased, and being tired of litigation and harassment meted out by the present petitioner, the

deceased hanged himself.

3. In pursuance of the above allegation, the instant FIR was registered against the present petitioner.

4. During the investigation, a suicide note was recovered, wherein, allegation was levelled against the present petitioner, that he used to exercise his influence being in Punjab Police, by lodging false cases/complaints against the deceased, and the deceased was harassed by calling in the police station by different police officials on a regular basis.

The extract of the suicide note reads as under:-

"I am Shamsheer Singh son of Ajaib resident of Rania. My younger brother Raghbir Singh is a resident of Sri Bhaini Sahib and he is employed in the Punjab police. Since Raghbir Singh is the most educated person in our family, he used to take care of the family affairs. He enters into a bargain of our land. Our land is situated in Amritsar Kalan in the area of Ellenabad. Sale consideration of my share pertaining to that land was with Raghbir Singh, who refused to give it to me. Thereafter, I filed a case in the court wherein Raghbir Singh admitted that he has not paid Shamsheer Singh of his share of money. Ranveer Singh used to extend threats to kill me. I never told anyone at my home about this. Whenever I return back home after the dates fixed for court hearings, I am stopped by unknown people on my way who ask me to withdraw the case and say that you have only one son, whereas Rathbir has two sons who are out of country. He can do anything with you and your son in the future. On this, I remain frightened. I was unable to bear this and therefore, I was depressed. Yet, I bear all this. However, he called me to some police stations in Punjab and used to insult me through his persons and police officials as he was in Punjab police. I used to be asked to withdraw the case. Raghbir Singh, Bhinder Singh who happens to be my maternal aunt's son-in-law, My sister, Raj Kaur and her elder son used to insult me. This is the reason of my frustration following which I am taking this step. Person responsible for my suicide is my younger brother Raghbir Singh son of Ajaib Singh who is the resident of Bhaini Sahib Punjab. After my death if any harm is caused to my family, the responsibility of the same shall be of Raghbir Singh, Bhinder Singh and Raj Kaur and her elder son. Sd/- Shamsheer Singh."

5. On dated 22.09.2023, one Mandeep Singh, son of Shamsheer Singh (deceased), joined investigation and produced a copy of hand written note of the deceased, a registration stamp No.4726, dated

03.01.2012, and documents of bank account of the deceased, admittedly signed by deceased-Shamsher Singh, which were taken in possession. On 16.10.2023, Mandeep Singh produced a mobile phone make VIVO touch screen colour black, and a pen drive regarding the suicide recording, which was taken in possession by the prosecution agency during the investigation.

6. In asking for the relief of pre-arrest bail to the petitioner, learned counsel for the petitioner submits that both the parties are litigating since the year 2014 and the petitioner is living far away from the family of the petitioner and has no concerned or whatsoever with the present petitioner. In fact, it was the deceased, who duped the present petitioner for Rs.5.00 lakhs, and there was a banking transaction between them of the said amount, and the deceased had lodged an FIR, against the present petitioner, which was his legal right, and pursuing the legal right would not tantamount to abatement in any way.

7. He further submits that simply because his name is mentioned in the suicide note, it won't attract the ingredients of Section 107 of the IPC, thereby, requiring him to face even trial for offence punishable under Section 306 IPC.

8. Learned State counsel, as well as the counsel for the complainant, (who has caused appearance today, through a validly executed power of attorney duly executed in his favour), have opposed the grant of pre-arrest bail on the ground of gravity of offence, as involved in the present case, and the role of the present petitioner in the occurrence.

9. Learned State counsel further submits, on instructions imparted to him by ASI Kamal Singh, that though the petitioner has joined the investigation, but has not fully co-operated and his custodial interrogation is required by the investigating agency.

10. The status report dated 14.03.2024, by way of an affidavit of Sh.Ajaib Singh, DSP, Ellenabad, District Sirsa, has been filed by the learned State counsel, which is taken on record. A perusal of the reply (*supra*), makes it clear that the cause of death of the deceased is “Aphyxia due to constriction force over neck, as a result of hanging which is antemortem and sufficient to cause death in ordinary course of nature.

11. This Court has considered arguments raised by both the parties, as well as the suicide note, as presented before this Court, and also the FIR, which was registered at the behest of the complainant-Charanjit Kaur (wife of the deceased).

12. *Prima facie*, this Court is of the view that the petitioner has infact misused his power of being a police official, and the deceased-Shamsher Singh, was called a number of times at police station, which has caused harassment to him, which the deceased could not bear and led him to commit suicide.

13. The argument which learned counsel for the petitioner has raised before this Court, can only be considered at the final stage of the trial, and while considering the present petition filed under Section 438 Cr.P.C., this issue cannot be adjudicated.

14. The relief of extra-ordinary relief as envisaged under the provisions of Section 438 Cr.P.C. cannot be granted to the petitioner,

considering the gravity of the offence, as involved in the present case.

15. Consequently, the instant petition is ordered to be **dismissed**.

March 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No