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

CRM-M-55860-2023

Date of Decision:05.02.2024

Husanpreet Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Sartaj Singh Narula, Advocate with
Mr. Sandeep Sharma, Advocate and
Mr. Ravinder Singh, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Ravi Gakhar, Advocate and
Mr. Sarabjot Singh Cheema, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. In compliance of the order dated 06.11.2023, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Kharar-I, District SAS Nagar has been filed on behalf of the respondent-State in Court today and the same is taken on record.
2. The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.0287 dated 29.09.2023 under Section 306 of IPC, registered at Police Station City Kharar, District SAS Nagar.
3. The FIR in the present case has been registered on the basis of the statement made by Sharanjit Singh son of late Pritam Singh, and the same has

been reproduced below:-

“Statement of Sharanjit Singh son of late Pritam Singh r/o # 65 Ward No. 12, Sector 5 Chhajjumajra Colony, Kharar, Police Station: City Kharar, District Mohali aged about 43 years M: 9855838070 stated that I am a resident of the above mentioned address. I run a scooter mechanic shop at Randhawa Road Kharar. I have three children eldest is the daughter namely Amrit Kaur and younger to her is son namely Tegh Bahadur and youngest is the daughter Armanjot Kaur. My son Tegh Bahadur son Sharanjit Singh Resident # 65 Ward No. 12, Sector 5, Chhajjumajra Colony, Kharar, Police Station: City Kharar, District Mohali aged around 19 years used to do private work. Today I went to my work and my wife Jaswinder Kaur alongwith both my daughters and son were at home. Around 9:30 am., I received a call from my brother Taranjit Singh that Tegh Bahadur has committed suicide by tying parna (short length turban) with the ceiling fan in his room and he with the help of family members have got him down and I should also reach there. On which I reached Civil Hospital, Phase-6. Mohali. Then I again called my brother and asked him, he told me that he had died on the way. They have taken his body home and I should come home, on which I reached home. There my brother Taranjit Singh alongwith other family members was present. The body of my son Tegh Bahadur was lying. Then we searched the room and we found a copy/notebook lying there. When we opened and checked it, we found a suicide note written with orange sketch pen, which mentioned the names of Husanpreet and Surjit Singh who are posted in Police Station: Sadar Kharar City. A video has also been made, which we got from the mobile phone in our house. That 2 days ago a Splendor motorcycle was recovered from my son Teg Bahadur, wherefrom one fake RC was recovered. Father of the person, in whose name the motorcycle was, had also gone to the police station with the original RC. Our son's mobile phone is also

lying with them at the police station. Its number is 7696787527. The employees used to harass him. They demanded Rs. 20,000 and they were given Rs. 2000. Appropriate action be taken against them. Thereafter we called the police at the spot. The Police party got the body of my son shifted to Civil Hospital Kharar in order to get post-mortem of my son's body done. After the post-mortem, I will get recorded my separate statement. I have got my statement recorded, which after hearing is stated to be correct. Sd/- Sharanjit Singh.”

3. Learned counsel for the petitioner contends that Tegh Bahadur, since deceased, was questioned by some other police officials and the petitioner had no role to play in the same. He further contends that even as per the admitted case of the complainant, the petitioner and some other police officials had allegedly apprehended Tegh Bahadur, since deceased and had allegedly demanded bribe from him, to save him from a police case. Learned counsel further contends that even from the averments made in the FIR, no offence under Section 306 IPC is made out against the petitioner. Further, the alleged act would not connect the petitioner even remotely with the suicide committed by Tegh Bahadur, since deceased. He further contends that the custodial interrogation of the petitioner may not be required in the present case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. At this stage, without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It

will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

05.02.2024

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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No