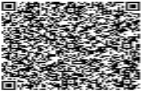


2024:PHHC:140564



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53586-2024
DECIDED ON: 25.10.2024

AMRIK SINGH @ AMRIK SIDHU
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gurvinder Singh Aulakh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked seeking anticipatory bail to the petitioner in case FIR No. 69, dated 22.09.2024, under Section 108 and 3(5) of the BNS, 2023, registered at Police Station GRP Bathinda, District Bathinda.

2. Facts

The facts as narrated in the FIR reads as under:-

Original statement: Statement of Jagwant Singh son of Atma Singh resident of near Dharamshala, village Maur Charat Singh, PS Maur, District Bathinda. Aged about 53 years, mobile no. 79738-3973. Stated that I am a resident of the abveo mentiond address and do the work of wage labourer. I have two sons, elder son is Manga Singh aged about 25 years and younger Sukhjinder Singh aged 22 years. My elder son

Manga Singh is BA pass and a practicing Sikh and a young man. My son was doing private job at Jana Bank, Rampura, since about 2 years. since about 2 weeks, my son Manga Singh was very disturbed, he used to tell me that his seniors at Jana Bank namely Lakhbir Singh Bhairupa, Amrik Sidhu Maisar Khana and Jagseer Singh Dhadde, harassing during duty. My son Manga Singh used to go in the field and collect installments from persons. Due to which, the said seniors used to demand pocket expenses from him and, in case my son did not do the same, then sometime they used to expel him from the job and sometimes keep him. The said seniors of Jana Bank Lakhbir Singh Bhairupa, Amrik Sidhu Maisar Khana and Jagseer Singh Dhadde excessively harassed and humiliated and, due to the same, my son was very disturbed. While being disturbed my son Manga Singh, yesterday on dated 21.09.2024, came under the train and committed suicide. On the afore-said allegations, FIR No. 69, dated 22.09.2024, under Section 108 and 3(5) of the BNS, 2023, stands registered at Police Station GRP Bathinda, District Bathinda against the accused persons.

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioner would contend that as per the narrated facts of FIR and on the basis of alleged suicide note executed by the deceased Manga Singh, he felt obligated to accept the position of recovery officer with the bank. However, he would argue that the petitioner has nothing to do with the circumstances that led to the deceased Manga Singh's employment, since the present petitioner was working in different area with separate team members and had no concern with the deceased as he was working in different area under the supervision of a different Area Manager.

It is further argued that the allegation levelled in the suicide note with regard to the harassment of the deceased is general and ambiguous, lacking any particular instance or day on which he was lastly alleged to have been subjected to

malice, which ultimately led him to take the extreme step. He has drawn attention of this Court to an order dated 23.10.2024 (Annexure P-8) passed by this Court in CRM-M-52639-2024 vide which co-accused namely Jagseer Singh has already been granted the concession of anticipatory bail and claims parity.

Notice of motion.

On behalf of respondent-State

Mr. Jaspal Singh Guru, AAG, Punjab having been served with an advance copy, accepts the notice on behalf of respondent-State. He, on instructions from ASI Sukhpal Singh, submits that in the suicide note the petitioner has been specifically named and the deceased was feeling obliged to him as well for getting the job but was being insulted and humiliated on account of nature of work being performed by him.

4. Analysis

Be that as it may, the learned State counsel has failed to provide specific allegations or instances demonstrating the petitioner's role in prompting or instigating the deceased to commit suicide.

In the light of above discussions and facts wherein *prima-facie* basic ingredients of Section 108 and 3(5) of BNS, 2023 are not met, it would be a futile exercise to send the petitioner behind bars for custodial interrogation, as investigation can be effectively conducted with his cooperation. At this stage, learned counsel for the petitioner undertakes that petitioner will join the investigation within a period of 7 days from today rendering custodial interrogation un-necessary.

5. Conclusion:

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him

joining the investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, upon 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 482(2) of BNSS of 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 petitioner does not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

25.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>