



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124

CRM-M-57699-2024

DATE OF DECISION: 20.11.2024

ROHIT KUMAR ALIAS ROSHAN LAL ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Manaise, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief Sought**

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 68 dated 15.10.2024 registered under Sections 108 and 3(5) of the BNS, P.S. Qadian, P.S. Batala, District Gurdaspur.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘Statement of Ashwani Kumar son of Sohan Lal resident of Nathpur, aged about 30 years, mobile number 77173-16013. Stated that I am a resident of abovesaid place. We are two brothers and one sister. My elder sister Dimple Kumari is married to Roshan Lal son Sita Ram resident of Behrampur Road, Gurdaspur. Younger to her is brother Jatinder Kumar who is unmarried and unfortunately died on 01.05.2019 in a road accident and Rs.22,83,000/- was received as his claim. My mother Rajwant Kaur died on 14.12.2020. My marriage was solemnized on 27.01.2023. After some time of my marriage, my



father got angry with us and started residing in a rented accommodation in Village Nathpur. Out of my brother's claim amount, Rs.14 lakh were borrowed by my sister Dimple Kumari wife of Roshan Lal, and Roshan Lal son of Sita Ram residents of Behrampur Road, near HRA School, Gurdaspur for laying stone in their house. On 14.10.2024 my father called me on phone and told that Dimple and her husband are not returning Rs.14 lakhs borrowed by them. I also went to their house in Gurdaspur but Dimple and her husband Roshan Lal insulted me and asked me to go from their house. They have compelled me to die. Now I don't want to live. After hearing all this, I made my father understand that don't take this step. Then on 14.10.2024 at around 6:10 PM, I received a call from Kirpal Singh alias Malli son of Shri Daulat Ram resident of Nathpur who told me that your father Sohan Lal has ended his life by hanging himself with a fan with a parna/cloth around his neck so come home. I am doing a private job as Nursing Staff at Good Life Home Care, Kakowal Road, Ludhiana. At that time, I was on my duty. Today on 15.10.2024 I alongwith my neighbour Kirpal Singh alias Malli son of Dolat Ram, resident of Nathpur have come to you in police station. I am Claimant. Legal action be taken against my sister Dimple Kumari wife of Roshan Lal and Roshan Lal son of Sita Ram residents of Behrampur Road, Near HRA School, Gurdaspur. Sd/- Ashwani Kumar abovesaid, Attested Sd/- Mangal Singh ASI, Police Station Qadian, dated 15.10.2024.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has disputed the veracity of facts asserting that the deceased used to sign in English language and never used Hindi language to put his signature on any of his documents. As far as role of the complainant is concerned, he



already stands disinherited by the deceased-father and due to this, the instant FIR against the present petitioner as well as the daughter of the deceased who is on her family way has been registered. He has put reliance upon the order dated 13.11.2024 passed by this Court in CRM-M-56548-2024 whereby the co-accused-Dimple has been granted concession of anticipatory bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the suicide note specifically mentioned the name of the petitioner and co-accused and apart from that, the complainant has lodged the FIR wherein telephonic conversation had taken place between the deceased and the complainant on 14.10.2024 and during that conversation, the deceased had informed the complainant about harassment caused at the hands of the accused persons.

4. **Analysis**

Be that as it may, having regard to the admitted facts that neither the specimen of the handwriting of deceased was collected nor the mobile phone of the deceased has been taken into possession by the police to assert whether any call had actually taken place between the complainant and the deceased on 14.10.2024 and moreso, to ascertain the language in which the deceased used to sign. A copy of judgment passed by MACT, Gurdaspur has also been placed on record (Annexure P-3) wherein in the cross examination during the trial in that case it is on record that the deceased signed in English language. Keeping in view these facts, this



Court is of the view that custodial interrogation of the petitioner is not required and nothing incriminating material has been produced by the State so far to get his custodial interrogation. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

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 investigation and reporting to the Investigating Officer concerned within a period of one week from today, on 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

20.11.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No