

CRM-M-39242-2024 and other connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39242-2024

KULWINDER SINGH

Versus

.....Petitioner

STATE OF PUNJAB

.....Respondent

210-2

CRM-M-40226-2024

JASVIR SINGH

Versus

.....Petitioner

STATE OF PUNJAB

.....Respondent

210-3

CRM-M-40857-2024

AVTAR SINGH

Versus

.....Petitioner

STATE OF PUNJAB

.....Respondent

Decided on: 29.04.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ankur Malik, Advocate for the petitioner(s)
(in CRM-M-39242-2024 and CRM-M-40857-2024).

Mr. K.S. Kharbanda, Advocate for the petitioner
(in CRM-M-40226-2024)

Mr. Amandeep Singh, DAG, Punjab.

Mr. Jasraj Singh, Advocate for the complainant.

SANJAY VASHISTH, J.

1. Present petitions have been filed under Section 482 of the
BNSS, 2023, for grant of anticipatory bail to the petitioner(s), who have

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been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Kulwinder Singh Jasvir Singh Avtar Singh	72	29.06.2024	306,506 and 34 IPC	Mehtiana	Hoshiarpur

2. On 13.08.2024, following order was passed in CRM-M-39242-2024:-

“ The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.72, dated 29.6.2024 at Police Station Mehtiana, District Hoshiarpur, under Sections 306, 506, 34 of Indian Penal Code.

The FIR in question was lodged at the instance of Rajwinder Kaur wife of the deceased Davinder Chand Bhatti, wherein it is alleged that Davinder Chand Bhatti had been working as a Secretary in Cooperative Bank Society, Village Bhatrana. It is alleged that complainant's husband Davinder Chand Bhatti had borrowed money from Kulwinder Singh @ Makhan, Avtar Singh, Jasvir Singh @ Seera and had returned all the money with interest, but the said persons used to threaten her husband and harassed him mentally and that her husband had expressed that he wanted to end his life. It is alleged that Kulwinder Singh @ Makhan, Jasvir Singh @ Seera and one clean shaven person had threatened her husband and had got prepared three affidavits from her husband to the effect that in case the amount is not returned, then his house and plot would be given to the said persons on account of non-return of the amount. It is alleged that complainant's husband was scared of the aforesaid people and used to remain under mentally tension and pressure. It is further alleged that her husband had disclosed that Jasvir Singh@ Seera, Avtar Singh and Kulwinder Singh @ Makhan had slapped him and given him blows with slippers on

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his head and had threatened to kill him and her husband fell scared and ultimately ended his life by consuming some poison substance.

Learned counsel for the petitioner submitted that it is a case where the petitioner had taken amounts on loan from several co-villagers and being unable to return the same, he used to remain under tension. Learned counsel has drawn the attention of this Court to the bank account statement of the petitioner annexed as Annexure P-1, which shows that an amount of Rs.2.70 lakhs had been advanced to the deceased Davinder Chand Bhatti on 12.2.2024. Another amount of Rs.4 lakhs had been given to Davinder Chand Bhatti on 7.6.2023. Another payment of Rs.3 lakhs was made in the month of July, 2023 and of Rs.1.5 lakhs in the month of September, 2023. Yet another payment of Rs.2.70 lakhs was made in the month of February, 2024.

Learned counsel has further drawn the attention of this Court to a writing allegedly made by Davinder Chand Bhatti on 6.4.2024, which is annexed as Annexure P-4, as per which Davinder Chand Bhatti had admitted that he had taken an amount of Rs.7.5 lakhs from Kulwinder Singh, which had swelled to Rs.8,10,500/-. In the said writing he had undertaken to return the said amount by 8.4.2024.

Learned counsel for the petitioner submitted that the aforesaid bank account statement clearly shows that the deceased was indebted to the petitioner. It has further been submitted that, as a matter of fact, the deceased had taken loans from several other persons, which he was unable to return and being helpless and frustrated he remained under tension and had committed suicide and that the petitioner cannot be attributed with any offence of Abetment to commit suicide.

Notice of motion for 26.11.2024.

At this stage, Mr. Jasraj Singh, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

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Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

ASI Karnail Singh, who is present in person, is directed to ensure that the entire evidence in the matter is collected particularly the bank account statements of deceased as well as of other members of his family so as to verify the assertions made by the petitioner to the effect that several co-villagers had advanced amount to the deceased. In case, ASI Karnail Singh is not the Investigating Officer of the present case, then the aforesaid directions shall be complied with by the concerned Investigating Officer.

The State to file a detailed reply on or before the next date of Hearing.”

3. On 21.08.2024, following order was passed in CRM-M-40226-2024:

“ Notice of motion for 26.11.2024.

To be heard alongwith CRM-M-39242-2024.

Interim order in same terms as was passed in CRM-M-39242-2024.

At this stage, Mr. Jasraj Singh, Advocate has put in appearance on behalf of the complainant and has filed power of attorney. The same is taken on record.”

4. On 23.08.2024, following order was passed in CRM-M-40857-2024:

“ Notice of motion for 26.11.2024.

To be heard alongwith CRM-M-39242-2024.

Interim order in same terms as was passed in CRM-M-39242-2024.

At this stage, Mr. Jasraj Singh, Advocate put in appearance (through video conferencing) on behalf of the

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complainant and has moved memo of appearance. The same is taken on record. Power of attorney be filed on or before the next date of hearing.”

5. Learned counsel for the petitioners submit that in compliance of orders dated 13.08.2024, 21.08.2024 and 23.08.2024 respectively, passed by the co-ordinate Bench of this Court, petitioners have joined the investigation, and have fully co-operated, thus, prays for confirmation of the interim bail orders.

6. Learned State counsel submits that in compliance of the direction issued by this Court vide order dated 13.08.2024, detailed reply by way of affidavit of Sukhninder Singh PPS, Deputy Superintendent of Police, Sub Division Chabbewal, District Hoshiarpur, has already been filed. Learned State counsel submits that required details are there in paragraph Nos. 9 to 12 of reply. Counsel submits that the statement given by the petitioners in regard to joining of investigation is not under dispute and said fact has already been admitted in its reply.

7. However, Mr. Jasraj Singh, Advocate representing the complainant, submits that direction given by this Court vide order dated 13.08.2024 regarding collecting the details, particularly the bank account statement of deceased as well as of other members of his family, is yet to be complied with by the respondent/State. Without having all the details of the Bank account of the petitioner and other accused persons said fact cannot be ascertained.

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8. I have heard learned counsel for the parties and examined the record.

9. In paragraph No. 9 and 10 of reply, details of the bank account of deceased, co-accused and petitioner as well as his family members are mentioned. Paragraphs No. 9 to 13 are material and same are reproduced herebelow:

“9. That it is submitted that during the investigation, the investigation officer obtained statement of account No.04431600000649 of petitioner-Kulwinder Singh from Punjab and Sind Bank, Attowal, P.S. Mehtiana, District Hoshiarpur and as per this account statement, the petitioner-Kulwinder Singh gave cheque dated 07.06.2023 of Rs.4 Lacs and the same was got cashed by deceased Davinder Chand Bhatti from the above said account of petitioner-Kulwinder Singh. Thereafter, as per this account statement, the petitioner-Kulwinder Singh gave cheque dated 24.07.2023 of Rs.3 Lacs and the same was got cashed by deceased Davinder Chand Bhatti from the above said account of petitioner-Kulwinder Singh. Thereafter, as per this account statement, the petitioner-Kulwinder Singh gave cheque dated 10.08.2023 of Rs.1,50,000/- and the same was got cashed by deceased Davinder Chand Bhatti from the above said account of petitioner-Kulwinder Singh. Thereafter, as per this account statement, the petitioner-Kulwinder Singh gave cheque dated 12.02.2024 of Rs.2,70,000/- and the same was got cashed by deceased Davinder Chand Bhatti from theAbove said account of petitioner Kulwinder Singh.

10. That it is submitted that the investigation officer also obtained account statement of account No. 10354016730 of co-accused Avtar Singh from SBI Main Branch Green View Park, Hoshiarpur and as per this account statement, the deceased Davinder Chand Bhatti received Rs.20,000/- on 01.03.2023, Rs.15000/- on 15.03.2023, Rs.70,000/- on 07.07.2023, Rs.800/- on 20.08.2023, Rs.80,000/- on 13.10.2023 and Rs.10,000/- on



22.10.2023 and as per account statement of account No.50200080645086 of co-accused Avtar Singh of HDFC Bank, the deceased Davinder Chand Bhatti received payments from co-accused Avtar Singh Rs.3000/- on 13.08.2023, Rs.10000/- on 18.08.2023, Rs.7000/- on 16.09.2023, Rs.12000/- on 10.10.2023, Rs.10000/- on 28.10.2023, Rs.5000/- on 06.11.2023, Rs.5000/- on 09.11.2023, Rs. 10000/- dated 07.12.2023, Rs.7500/- on 10.12.2023 and Rs.20000/- on 04.1.2024 and now at present Rs.1,17,000/- of co-accused Avtar Singh stands due against deceased Davinder Chand Bhatti.

11. That it is submitted that the investigation officer obtained copy of writing dated 06.04.2024 Annexure P-4 and affidavit dated 06.05.2024 from the petitioner -Kulwinder Singh and the same are being sent to FSL Mohali for comparison of signature of deceased after obtaining previous signed documents of deceased from the banks where the deceased has his bank accounts.

12. That it is submitted that the police of P.S. Mehtiana obtained bank accounts of the deceased and his wife from the concerned banks and it was found that the deceased and his wife received payments through UPI and NEFT. Therefore, the police of P.S. Mehtiana, District Hoshiarpur wrote letter to the Manager of Punjab and Sind Bank Branch Attowal, Cooperative Bank Davida Ahrana and Punjab National Bassi Daulat Khan to provide the details of the persons who made payments to the deceased and his wife through UPI and NEFT and the Report has not been received so far.

13. That it is submitted that the investigation officer of the present case recorded the statements of co-villager of deceased Davinder Chand Bhatti namely Baljit Kaur, Amarjit Kaur, Harpreet Kaur, Jaswinder Kaur and Balbir Singh and they stated in their statements that the deceased Davinder Chand Bhatti availed them group loan from the Cooperative Bank, Davida Ahrana, District Hoshiarpur and they used to give money to deceased Davinder Chand Bhatti to deposit their instalments of group loan in the Cooperative Bank Davida Ahrana, Hoshiarpur



and now they came to know that some instalments of their group loan have not been deposited by the deceased Davinder Chand Bhatti in Cooperative Bank, Davida Ahrana, Hoshiarpur and in this way, the deceased Davinder Chand Bhatti have committed fraud with them. The investigation officer also recorded the statement of Bara Singh co-villager of deceased Davinder Chand Bhatti and he stated in his statement that he had got Rs.8 Lacs after selling Eucalyptus trees and gave the said amount to Davinder Chand Bhatti to deposit in the society and now he came to know that his amount of Rs.8 Lacs is not deposited in the Cooperative Society Bhatrana. The investigation officer also recorded the statement of Tarsem Singh co-villager of the deceased Davinder Chand Bhatti and he stated in his statement that the deceased Davinder Chand Bhatti availed him loan of amount of Rs.6 Lacs after pledging his land with cooperative bank and Rs.2 Lacs was paid to him by cooperative bank to him and the remaining amount of Rs.4 lacs was received by the deceased Davinder Chand Bhatti after Having his signature on the blank cheques and the deceased Davinder Chand Bhatti did not pay Rs. 4 Lacs to him and in this way he committed fraud with him.”

10. Considering the aforementioned aspects, this Court does not find any reason to decline the prayer of the petitioners, interim orders 13.08.2024, 21.08.2024 and 23.08.2024, passed by the co-ordinate Bench of this Court are hereby made absolute and present petitions are allowed.

However, petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioners would hand over their passport to the Investigating Agency or to Court concerned, if they

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possess. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

11. Accordingly, petitions stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 29, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**