



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-63899-2024

DATE OF DECISION: 08.01.2025

DEVENDER SINGH

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vinod Arya, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in FIR No.464 dated 28.07.2023, registered under Section 306 IPC at Police Station Mujessar, District Faridabad.

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

‘Sr. No. 58, Name Kumar, SDO, Noiyat, of on Informer: SI Ram arrival constable recorded statement under Section 174 CrPC and departure report at on 27.07.2023, summary of 09:00 PM is recorded that at this moment, constable Vikas 3177 after recording statement of Suman Joshi wife of Santosh Joshi, resident of House No. A-34, Gali No. 73/4, Sanjay Colony, Sector 22, Faridabad, came present at police station. Details of statement is that, Chowki Incharge, Sanjay Colony, "To The Fridabad. Sir, It is requested that I, Suman Joshi wife of Santosh Joshi, House Colony, Joshi, No. A-34, Sector am No. Gali 22.



was working My as resident of 73/4, Sanjay husband Santosh helper in JCB Company. My husband often used to tell me that a loan has been taken from Shri Ram Finance Company, installments of were being paid by my husband. installments were going on for which Which long a time. My husband used to say that he has paid more money than the loan. But the financier is continuously asking for more money by charging interest on interest. My husband was being harassed by Devender Singh, whose mobile number is 9654043044, by calling repeatedly and demanding money. I work in Hair Faridabad. We have Products, Sector a son, whose name Vansu, whose age is about 11 years, 25, is who studies in class 6. Today on 27-07-2023, I went to my duty in the morning. My husband and my son were at home. I was on duty. I received a call informing me that my husband Santosh Joshi was unwell. When I came home, a crowd was gathering at my house. I went inside my house. My husband was lying on the bed and a bedsheet of red colour was lying near him and my husband was dead and a curved mark was visible on his neck. When I asked my son Vansu, he told me that my husband had asked him to fly a kite which was around 3 o'clock. My son went upstairs, came back to the after about 10-15 minutes and room found my husband hanging from the ceiling fan with a bedsheet of red colour and hanging it around his neck. Then my son called neighbours, Rajender Singh son of Shri Bachan Singh and Rohit Katariya and others came, who untied my husband down from the loop to save him and removed the bedsheet from his neck, but my husband was dead and a copy was kept near the head of the bed, which I opened and checked and found a suicide note in it, in which "I had taken a loan from Shriram Finance which I had repaid but still I was getting calls and they were coming to my house and threatening me." Shri Ram Finance Devender Singh is number mobile 9654043044 and I troubled. reason, my Due to written as was being harassed and this and husband has incident because he was some other



committed this harassed and troubled by them. My husband's post mortem should be done and legal action should be taken. My husband's mobile number is 9540513678 and 9599132166. Applicant sd/- Suman Joshi 9971129699 dated 27.07.2023.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case for extraneous consideration. He submits that the petitioner was just an employee of the finance company and was doing his duty of collecting the installments from the persons who defaulted and he did not having any personal enmity with the deceased. It is his contention that as per the suicide note left behind by the deceased, he was being pressurized to repay the loan installments by giving threats whereas the petitioner was just doing his job and was making calls for repayment of loan installments. He further contends that Section 306 IPC prima facie not made out against the petitioner as there is no evidence against him regarding abetment or instigating the deceased to commit suicide.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investing officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the deceased specifically named the petitioner in his suicide note and the law believes that no lie can sit on the lips of a dying man, therefore, prays for dismissal of the petition.



4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties particularly to the effect that if a financial institution is continuously asking for repayment of installments which is admittedly overdue offence under Section 306 IPC cannot be attracted automatically, moreover there is no evidence of abetment or that of instigation against the petitioner, hence, this Court finds no cogent 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

08.01.2025
anuradha

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