

Balbir Singh

Vs. State of Punjab

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IN THE COURT OF BALJINDER SINGH,
VACATION JUDGE-CUM-ADDITIONAL SESSIONS JUDGE,
SANGRUR
(Unique Identification No.PB0107)

CIS Regs. No.....BA-1761-2023

CNR No.PBSG01-004932-2023

Date of Order:.....16.06.2023

Balbir Singh aged about 48 years son of Hardev Singh, resident of Village Ferozepur (Kothala), Tehsil & District Malerkotla

.....Applicant

Versus

State of Punjab

FIR No.63 dated 17.05.2023

Under Section 306 IPC

Police Station: City-1 Malerkotla

Application under Section 438 Cr.P.C.

Present : Sh. G.S. Grewal, counsel for the accused-applicant
Sh. Mohd. Hasib, Addl. Public Prosecutor for State

ORDER:

1. This bail application is put up before me being Vacation Judge. This application for anticipatory bail has been moved on behalf of applicant-accused Balbir Singh for offences under Section 306 IPC by virtue of Section 438 Cr.P.C.

2. Notice of this bail application has been given to State. Police record has been requisitioned. Arguments have been heard and record has been perused.

Baljinder Singh
Vacation Judge-Cum-ASJ,Sangrur

3. As per allegations, complainant Sandeep Kaur W/o. Manpreet Singh is posted as teacher in Govt. Middle School Shergarh Cheema. Manpreet Singh Sandhu was serving as clerk in Govt. High School Pharwali. Her mother-in-law Ranjit Kaur is quite old and he has been residing at home. Complainant has one daughter Shabad Mehar Kaur Sandhu of the age of 4 years and she is studying in Sarvhitkari Vidya Mandir Malerkotla. They all had been living happily in the house. For the last some period Manpreet Singh husband of complainant used to remained under tension. Complainant and her mother-in-law Ranjit Kaur had asked reason for that tension from Manpreet Singh but he did not disclose and he used to say that every thing would be set right. About one and a half month back Manpreet Singh told complainant and her mother-in-law that he had already taken loan from Subhan Ali alias Mani R/o. Malerkotla and he had return some of the amount but Subhan Ali had been demanding money from him. Manpreet Singh had also disclosed that he had also obtained loan from Navjit Singh of village Narike and that amount was also to be returned. Such persons along with Balbir Singh and Gurwinder Singh had been harassing him and they used to raise threats whenever they met him. Mother-in-law of complainant told her that Mani and Navjit Singh used to come at home and they used to raise threats. On that account all the family members used to remain under tension. Complainant and her husband being government employees were avoiding any sort of trouble and on that account they did not file any

application before any authority in order to avoid any loss from such persons.

On 16.05.2023, complainant and her husband had gone to attend their duties and after attending duty they had come back. At that time Manpreet Singh was under great stress. In the evening entire family took meals. Complainant along with her husband and daughter had slept in a room on ground floor. While mother-in-law of complainant was sleeping in another room. In the morning on 17.05.2023 at about 4/5 a.m. complainant Sandeep Kaur woke up and she saw that Manpreet Singh was not present on the bed. Complainant tried to find out her husband on ground floor but Manpreet Singh was not present there. Then Sandeep Kaur went upstairs and she saw that her husband Manpreet Singh hanged himself with the help of lower of black colour with fan and his dead was hanging with that ceiling fan. Complainant disclosed that aspect to her mother-in-law. Police officials were also called at spot. Manpreet Singh had committed suicide being harassed from Subhan Ali, Navjit Singh, Balbir Singh and Gurwinder Singh.

4. Ld. Counsel for applicant-accused has placed on record written submissions on the lines that no case is made out against any of the applicants and otherwise custodial interrogation of applicant-accused is not required for any purpose. Even against such allegations, Hon'ble Punjab and Haryana High Court has granted anticipatory bail to one of the co-accused i.e. Gurwinder Singh vide order dated 31.05.2023, by

considering the law laid down by Hon'ble Apex Court. On the basis of that principle of parity, applicant-accused be granted the concession of anticipatory bail, keeping in view the authority of Hon'ble Apex Court titled as *Som Mittal Vs. Government of Karnatka, 2008 (1) RCR (Crl.), 880*. Similar view was taken in *Manohar Vs. State of M.P., 2007 (20), RCR (Crl.) 42 Hon'ble Madhya Pradesh High Court*.

In such written submissions, ld. Counsel for applicant-accused has also relied upon authority of *Harbhajan Sandhu Vs. State of Punjab & Anr., 2022 (2) RCR (Crl.) 317*, wherein it has been held as follows:

“Merely being named in the suicide note would not by itself establish guilt of the accused until ingredients of offence are made out”.

Another authority has been relied upon titled as *Rohit Vs. The State of Maharashtra and other, 2021 (219), AIC, 490*. almost on similar points and prayer has been made for grant of anticipatory bail as co-accused has been granted the concession of bail by Hon'ble Punjab and Haryana High Court.

5 I have given careful consideration to the respective written submissions so made on behalf of applicant-accused Balbir Singh and I have gone through the above mentioned authorities very carefully. However, in the present case, there are serious allegations against accused-persons including present applicant-accused Balbir Singh that

they used to raise threats to Manpreet Singh for getting money back and because of that Manpreet Singh used to remain under stress and on that account he had committed suicide. It is material to mention here that in this case even suicide note was recovered and in such circumstances, applicant-accused Balbir Singh is certainly not entitled to the concession of anticipatory bail as his custodial interrogation is required. Accordingly, his application for anticipatory bail is dismissed. Police record be returned. Bail application file is adjourned to 03.07.2023 for further proceedings.

Pronounced in Open Court.
Date: 16.06.2023

(Baljinder Singh)
Vacation Judge-cum-
Additional Sessions Judge
Sangrur. UID No.PB0107

Parminder, Stenographer Gr.-II

Balbir Singh Vs. State of Punjab (CIS No.BA-1761-2023)
CNR No. PBSG01-004932-2023

Present : Sh. G.S. Grewal counsel for applicant
Sh. Mohd. Hasib, Addl. Public Prosecutor for State.

Arguments heard. Vide my separate detailed order of even date, this application has been dismissed as stated therein. Police record be returned. Bail application file is adjourned to 03.07.2023 for further proceedings.

(Baljinder Singh)
Vacation Judge-Cum-
Additional Sessions Judge
Sangrur. UID No.PB0107

Date: 16.06.2023
Parminder, Stenographer Gr.-II