

**IN THE COURT OF
Additional Sessions Judge at, Gurdaspur
(Presided Over by Sh. Jatinder Pal Singh Khurmi)**

CIS No.BA-1579-2019

CNR No.PBGD01-006495-2019

Bail application no.199 of 06-06-2019.
Decided on: 13-06-2019.

Vijay Singh son of Chuhar Singh, resident of Village Jharoli Basti, Tehsil and District Gurdaspur.

...Applicant/Accused.

Versus

State of Punjab.

...Respondent.

FIR No. 72 dated 04-06-2019,
under Section 306 of IPC,
Police Station: Dinanagar.

1st bail Application Under Section 438 Cr.P.C .

Present: Shri Dilbagh Singh Saini, Advocate, for accused-applicant.
Shri J.P.Bains, Additional Public Prosecutor for the State.

ORDER:

In this application under Section 438 Cr.P.C, the applicant Vijay Singh has sought to admit him on anticipatory bail in FIR No. 72, dated 04-06-2019, registered for the commission of offence punishable under Sections 306 of IPC, registered at Police Station Dinanagar.

2. Notice of bail application was issued to the respondent-State and the police record received and perused.

3. Instant FIR has been registered at the instance of complainant Meena Singla wife of Sanjeev Kumar, resident of Main Bazar, Gujran Wali Gali, Dinanagar. Her husband Sanjeev Kumar was running a Confectionery shop near Railway Road Pyal Plaza and he also running the commission agent shop under the name of Singla

Commission Agent, Grain Market Awankhan. Her husband oftenly used to talk with regard to the payment. He told her that he had to receive huge amount from Gurdev Singh son of Ujagar Singh, resident of Akbarpur, Partap Singh son of Inder Singh, resident of Sunny Tola, Balwinder Singh son of Veer Singh, resident of Wassi, Gurdev Singh's son resident of Akbarpur, Kewal Singh resident of Chohana, Balbir Singh son of Sansar Singh, Narinder Singh son of Sansar Singh, residents of Lachhiana, Vijay Singh son of Chuhan Singh resident of Jharoli, Nirmal Singh son of Panna Singh, Sukhdev Singh son of Bachan Singh, residents of Village Bathanwala. He also told her that whenever he used to demand the money, they started quarreling with him and he fed-up with the acts of the above-said accused. On 3-6-2019 at about 3-30 a.m, her husband started Vomiting and told her that he had consumed some poisonous substance due to the torturing the above-said accused. After arranging the conveyance they got admitted Arora Hospital, Gurdaspur from where her husband was referred to Amritsar where he died on 03-06-2019. On the basis of above-said statement, present FIR was registered against the accused.

4. It has been argued by the learned defence counsel that the present case has been falsely registered against the accused-applicant, whereas the accused-applicant is innocent person. He further argued that no offence under Section 306 IPC is made out. The police has registered the present case without conducting any inquiry and without going through the actual and factual position of the incident. The accused-applicant is not at all responsible behind the suicide of deceased. The

accused-applicant is not required for the purpose of any recovery, therefore, the detention of accused-applicant behind the bars will not serve any purpose of prosecution. With these submissions, it is prayed for concession of anticipatory bail to the applicant.

5. On the other hand, learned Additional Public Prosecutor has opposed the bail application for the grant of bail. According to him, the present case is not a fit case for grant of concession of pre- arrest bail. He further submitted that allegations against the accused-applicant are serious in nature and his custodial interrogation is required. With all these submissions, learned Additional Public Prosecution for the State prayed for the dismissal of the bail application.

6. I have heard the arguments of both the learned counsel for the parties and have also gone through the record with their able assistance.

7. Learned counsel for applicant relied upon *Rajbir Pundir and Anr. Versus State of Haryana Law Finder Doc Id # 707274;* *Jagdeep Kaur Versus State of Punjab Law Finder Doc Id # 486683;* and *A.T.V. Damodaran & Anr. Versus State of Kerala & Anr. Law Finder Doc Id # 992825.* However, these citations do not lay down any fixed and water tight propositions of law that a person who allegedly abetted the offence under Section 306 of IPC, need to be granted anticipatory bail. The factual matrix of the case in hand is completely different and, therefore, the authorities (Supra) are distinguishable.

8. The allegations against the accused-applicant are that he along with co-accused abetted Sanjeev Kumar to commit suicide. Two

notes stated to be suicide notes of deceased are there and he has specifically named the applicant in on such note. In one of the suicide note, it is specifically mentioned that he was fed up from the persons mentioned in the suicide note and they used to threaten him to kill. The name of the accused-applicant also find mentioned in the FIR. The allegation against the accused-applicant are very serious. The investigation is still going on. The custodial interrogation of the accused-applicant may be necessary to unearth the truth. Therefore, keeping in view the gravity and nature of offence, this Court does not find any mitigating circumstances in favour of the accused-applicant to grant him concession of pre-arrest bail. Without commenting upon merits of the case, the instant bail application stands dismissed. Police record returned and bail application file be sent back to the concerned court for its consignment.

Pronounced :
13-06-2019.

(Jatinder Pal Singh Khurmi)
Additional Sessions Judge, Gurdaspur
(UID No.PB0057)

Rajinder Singh Stenographer-I

Dictated on : 13-06-2019.
Transcribed on :13-06-2019.
checked on :13-06-2019.
Signed on :13-06-2019.

(Jatinder Pal Singh Khurmi)
Additional Sessions Judge, Gurdaspur
(UID No.PB0057) (Duty Judge)

CIS No.BA-1579-2019**CNR No.PBGD01-006495-2019**

Vijay Singh Versus State of Punjab.

Present: Shri D.S.Saini, Advocate, for accused-applicant.

Shri J.P.Bains, Additional Public Prosecutor for the State.

File put up before me being Duty Judge, as learned
Presiding Officer is available summer vacation.

Police record produced and perused. Arguments heard. Vide
separate detailed order of even date, the bail application has been
dismissed. Police record returned and bail application file be sent back to
the concerned court for its consignment.

Pronounced :
13-06-2019.

Jatinder Pal Singh Khurmi,
Additional Sessions Judge,
Gurdaspur.
(UID No.PB0057) (Duty Judge)

(Rajinder Singh Stenographer Gr.1)