

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 34487 of 2023
Reserved on : 24.11.2023
Date of Decision: 01.12.2023**

Goldy Raj @ Inder Raj

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Argued by: Ms. Neeru Bansal, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, Sr. DAG, Haryana.

SURESHWAR THAKUR, J.

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner in respect of FIR No. 79 of 24.8.2018, registered under Section 306 of the IPC (Section 201 of the IPC added subsequently), at Police Station GRP Sonipat, District Sonipat.

2. Though the learned State counsel, has vehemently argued, qua the maintainability of the instant petition, before this Court, on the ground, that the earlier bail application filed by the petitioner rather became dismissed by the learned trial Judge concerned, on 2.12.2021, besides on the ground, that his earlier bail petition bearing No. CRM-M-10999 of 2022, became also dismissed by this Court on 22.7.2022. However, the above ground relating to the maintainability of the instant petition, before this Court, is rejected, as there appears to be a change in circumstances since the earlier filed petition, and, the institution of the instant petition before this Court. The said changed circumstance, arises from the factum, that the handwriting expert concerned,

has now opined, that the suicide note of the deceased was, as a matter of fact, scribed by him.

3. Moreover, the additional changed circumstances since then uptil now, is comprised in the factum of the CDR enclosing therein, the respective voices of the petitioner, and, of one Ajay Kumar is placed on record, and, with the report of the FSL concerned, that the voice(s) therein of one Ajay Kumar, and, of the present petitioner, are compatible with their respective sample voices, as became purveyed by each of them, before the investigating officer concerned.

4. The deceased Ankit was an employee of the present petitioner, and, was demanding his salary from him. However, there was refusal of liquidation of salary to him by the present petitioner, thus leading the deceased, and, other co-employees to thereby uncontrovertedly access the Labour Court concerned, for thus seeking liquidations to them of their claims for unpaid salaries rather by the present petitioner.

5. The potent incriminatory material, thus instigating or goading the deceased to commit suicide, and, thereby the present petitioner abetting the commission of suicide by the deceased one Ankit, is comprised in the factum, that apart from the scribed suicide note, provenly authored by the deceased, there exists audio recorded CDRs proven to be, as stated above, in the respective voices of one Ajay Kumar, and, of the present petitioner, wherein speakings occur, that the present petitioner, is purportedly threatening the deceased, to thus implicate him, in a case of molestation of co-female employees, besides his refusing to pay him his salary.

6. The post-mortem report contains the hereinafter extracted opinion with respect to the cause of demise of deceased Ankit.

“In my opinion the cause of death in this case is multiple injuries

described. Possibility of injuries having been caused by any asphyxiating, crushing, dragging force including railway traffic accident cannot be ruled out.”

7. Therefore, a reading of the above opinion, as made by the doctor concerned, viz-a-viz the cause of demise of the deceased, does reveal, that the deceased had laid himself on a railway track to thereby cause his demise. As such, his demise is suicidal. The commission of suicide by deceased Ankit is contended by the learned State counsel, to arise, from the present petitioner rather the above manner abetting the same.

8. The present petitioner would become denied the facility of bail only when the conversations, which occur inter se one Ajay Kumar and the present petitioner, becomes construable to be of sufficient potent instigatory effect, to thereby goad the deceased to commit suicide.

9. A reading of the transcript of the audio recorded conversation (Annexure R-1) which becomes appended to the reply, as furnished to the instant petition, by the learned State counsel, reveals, that the said conversation rather did not occur inter se the deceased Ankit and the present petitioner, but the said conversation occurred between one Ajay Kumar and the present petitioner.

10. The contents of the said conversation were unfolded by Ajay Kumar to the deceased, and, since there are speakings about the present petitioner unwilling to liquidate the unpaid remunerations of the deceased, besides rather his purportedly articulating, about his intending to falsely implicate, the deceased in a case of molesting the female employees, thereby the deceased committing suicide.

11. A closest, and, circumspect reading of Annexure R-1 does not reveal therein, qua any specific namings of the deceased by the present petitioner, but the speakings therein relate to the employees engaged by the

present petitioner. Therefore, but obviously it appears, that one Ajay Kumar, who conversed with the present petitioner, assumed that the references therein, about the present petitioner intending to falsely implicate his employees, who thus had moved the Labour Court, for thereby ensuring that the recovery of unpaid salaries to them by the present petitioner, thus may be were viz-a-viz the deceased Ankit, whereas, the said references but may be even qua the other co-employees, who alike the deceased had accessed the Labour Court concerned.

12. Consequently, it appears, that on a gross miscomprehension of the conversation, which occurred inter se one Ajay Kumar, and, the present petitioner, that the former accordingly intimated the deceased, that the present petitioner is intending to falsely implicate him, in a case of sexual molestation of female co-employees, as engaged by the present petitioner.

13. Therefore, it appears that it is merely a sequel of the above miscomprehension of the conversation, which occurred between one Ajay Kumar and the present petitioner, that the former prima facie appears to have made an intimation to deceased Ankit, thus leading the latter to thereby become purportedly instigated, and, goaded to commit suicide.

14. Be that as it may, thereby the effect of the above purportedly miscomprehended apposite conversation, for reasons (supra), by one Ankit, that thereafter there being a mis-awakening by Ankit to the deceased, thereby leading the deceased to commit suicide. In sequel, this Court would not be led to prima facie form an opinion, that there was any mens rea laden, thus purported goading or instigation by the present petitioner, to thereby lead deceased Ankit to commit suicide, nor also thereby prima facie, the present petitioner can be concluded to abet the commission of suicide by deceased Ankit.

15. Consequently, this Court finds merit in the instant petition, and,

the same is hereby allowed. The petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs. 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

16. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

December 01, 2023
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No