

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.55382 of 2023 (O&M)
DATE OF DECISION : 21.11.2023

Anil Arora

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ankur Lal, Advocate for the petitioner

ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.527 dated 06.10.2023 under Sections 306 and 34 of the Indian Penal Code, 1860 (IPC) registered at Police Station Model Town, District Rewari.

2. The FIR was registered on the statement of one Harish Kumar i.e. the brother of the deceased. It has been alleged in the FIR that his younger sister Kavita, aged about 45 years (deceased), was married to the petitioner, namely, Anil Arora on 08.10.1995. It was further the allegation that Anil Arora, his son Vikas, daughter Khushi, brother-in-law Lokesh and his wife Meena live in the same house and all of them used to mentally and

physically torture the deceased. Since she was very upset in the evening of 05.10.2023, she is stated to have committed suicide by tying a rope to a grill of the window and hung herself. When they were informed, they reached the house and found that the body of his sister was lying in a freezer kept in the back room of the house with marks of a rope around her neck. It is the further allegation that it is the complainant who informed the police about the incident.

3. Learned counsel for the petitioner would contend that the petitioner is innocent and that the ingredients of Section 306 IPC are not made out. The learned counsel would further contend that some neighbour had informed the police and thereafter the ambulance came and declared the wife of the petitioner dead. The learned counsel for the petitioner has further contended that there was no external struggle mark on the body of the deceased.

4. Notice of motion.

5. Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana and Ms. Sehaj Sandhawalia, Advocate has put in appearance on behalf of the complainant.

6. Learned counsel for the State has filed a status-report by way of affidavit of Pawan Kumar, H.P.S., Deputy Superintendent of Police, City Rewari along with Post-Mortem Report and Crime Scene Visit Report. Learned counsel for the State, on instructions from SI-Narender, has stated that it is the complainant who had informed the police at about 6.00 AM regarding the incident having occurred and prior to that no intimation was

given to the police. The learned counsel for the State has also referred to the Crime Scene Visit Report.

7. Learned counsel for the complainant would contend that the deceased in the present case was about 5 feet 4 inches in height. As per the crime scene report, the following observations have been made :

“7. Observations:- Spot, the above said place and its surrounding areas were thoroughly examined for the presence of some physical clues related to this crime. Following observations were made after viewing the spot:-

- 1. The dead body was kept in the deep freezer at the time of visit of SOC team.*
- 2. The wooden door of the above said room was not found tempered.*
- 3. The deceased was wearing printed grey suit, white bra, green salwar and blue panty.*
- 4. A ventilation (skylight) of size 2’4” X 3’4” was found in the house by which a person can enter the house easily.*
- 5. One part of nada of 1’7” long was found hanged on the last gril (sic) of window and another cutting end of nada of length about 1’8” was found at the spot.*
- 6. Following measurements were made:-*
 - i. The height from ground to gril where loop was made was to be measured about 6’6”.*

ii. *One wooden stool of length about 1'2" was also found at the spot.*

7. *From above observation its clear that the above said window grill was sufficient to bear the weight of a healthy person like deceased.*

IO was advised to get spot photographed for preservations and further investigation and take above said nada pieces in to possession."

8. The learned counsel for the complainant would further contend that if the length of the rope and height of the grill where the rope was found tied is taken into account along with the height of the deceased, it is not possible for the deceased to have committed suicide by hanging from the grill. Learned counsel for the complainant has further pointed out that though it is stated in the status-report that an ambulance had come and examined the corpse and declared the deceased dead, however, no report or certificate declaring the deceased as dead has seen the light of the day.

9. Heard the learned counsel for the parties.

10. In the present case a perusal of the status-report along with the Post-Mortem Report and Crime Scene Visit Report depicts a different picture. The deceased was found hanging from a rope from the grill of a window the height of which is stated to be 6 feet, 6 inches. The length of the *Nada* along with which the deceased was found hanging is 1 foot 7 inches. There was another piece of *Nara*, which had been cut, of 1 foot 8 inches in length and the height of the stool, which is alleged to have been used, is 1

foot 2 inches. The height of the deceased was 5 feet 4 inches. If the length of the *Nara*, the height of the deceased and the height of the stool are seen in totality, a doubt is created as to whether a person could have actually died because of hanging. Further still, as pointed out by the learned counsel for the complainant, a perusal of the Post-Mortem Report reveals the cause of the death as under :

“Cause of death
In my opinion, the cause of death in this case is asphyxia
as a result of constriction force around neck by ligature.
However, viscera and blood have been preserved for
chemical analysis.”

The cause of death has not been mentioned as death by hanging.

11. In the totality of circumstances, I do not find this to be a fit case for grant of anticipatory bail to the petitioner. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.
12. It is made clear any observations made herein shall not be treated as an expression of opinion on the merits of the case.

21.11.2023
parkash

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
