



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224-2

CRM-M-56368-2024
Date of Decision: 14.01.2025

Tilak Raj ...Petitioner

Versus

State of Punjab and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
198	22.09.2024	City-1 Abohar, District Fazilka	108, 3(5) of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply-cum-status report dated 10.12.2024 filed by the State, which reads as follows:

“4. That, at the outset, FIR in question was registered against two accused persons namely 1. Anjali D/o. Tilak Raj, R/o. 08- Balvir Basti left Side, Faridkot City, Faridkot, Punjab, India and Tilak Raj S/o. Nathu Ram, R/o. 08- Balvir Basti left Side, Faridkot City, Faridkot, Punjab, India on the statement of Jyoti daughter of Sh. Krishan Kumar (wife of late Sh. Mohit), Resident of Street No.0, Sant Nagar Abohar, District Fazilka; Now residing near Goel Nursing Home, Jaitu, Tehsil Jaitu, District Faridkot, Punjab, who stated that on 16.07.2024 she solemnized love marriage with Mohit Son of Shiv Kumar, Resident of Street No.0, Sant Nagar, Abohar. After marriage they remained at Chandigarh and from 01.09.2024 they started residing in house of Om



Parkash as tenant and they were living happily married life. Her heart surgery was conducted at Chandigarh and due to infection, her husband Mohit talked with her mother Rekha Devi wife Krishan Kumar, resident of near Goel Nursing Home, Jaitu and called her. On 19.09.2024 she taken her at Abohar for treatment. Her husband sent her with his sweet will at Jaitu. On 21.09.2024 she talked with her husband several times, who seems to be under pressure, from whom I inquired several times, but he replied that he is suffering from fever and for that reasons 'I am depressed'. Yesterday through my relatives, I came to know that "my husband Mohit has committed suicide by strangulation himself from whom one suicide note is recovered, in which he has disclosed about the pressure put by Anjali daughter of Tilak Raj and Tilak Raj S/o. Nathu Ram, R/o. Balvir Basti, St. No.8, Faridkot. I remained with Anjali in live in relationship for about 4 years and after that Mohit entered in her life and I performed love marriage with Mohit, due to which Anjali and her father Tilak Raj were annoyed with them and from whose maltreatment, her husband has committed suicide by strangulating himself, so, action be taken against them. On 22.09.2024 the above referred accused have also done, so, from the statement, ingredients of commission of offence under section 108, 3(5) of BNS-23 have been found to be fulfilled. Accordingly, FIR in question was registered."

4. Counsel for the petitioner has referred to the portion of the suicide note, which read as under:

"MAIN MAR RAHA HUN, Anjali Tilakraj KI VAJAH SE, MUJE DEPRESSION
MAIN DALL KE YE SUKHI HAI, SorryGood by Mohit."

5. Counsel for the petitioner has argued that perusal of the suicide note shows that nothing has been mentioned about the harassment alleged to be given by Anjali & Tilak Raj. It is only written that the deceased was under depression because of Anjali & Tilak Raj and that could not be considered as harassment which instigate the deceased to commit suicide. He further argued that there is nothing on record to show that there is any harassment on the part of the petitioner. Even the alleged suicide note did not bear any date & time nor explanation of any harassment which was given by the petitioner to the deceased and when, which itself shows that the petitioner has been falsely implicated in the present case. He further argued that the petitioner is resident of Faridkot, whereas the deceased was residing in Abohar. He further argued that a compromise dated 27.09.2024 has been effected between the parties, the said



compromise has already been placed on record as Annexure P-2.

6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
7. The State's counsel opposes bail and refers to the reply.
8. It would be appropriate to refer to the following portions of the reply, which read as follows:

"9. That during investigation on 22.09.2024 Jyoti daughter of Sh.Krishan Kumar (wife of late Sh.Mohit), has recorded her statement before investigating officer, who reached on the spot, where Om Parkash S/o. Dial Chand met the police party, who disclosed that Mohit Kumar S/o. Shiv Kumar, R/o. Gali No.0, Sant Nagar, Abohar, was residing in first floor of his house, who has committed suicide by strangulating himself with fan. Upon which, investigating officer went inside the room and saw that dead body of Mohit was hanging with fan, whose dead body was removed down in presence of owner of house and on checking of clothes of deceased One Mobile Phone, One purse and from the left pocket of lower worn by deceased, one suicide note was recovered, which was written on half page of lining copy, in English and Hindi languages with red ink pen, details of which are as; " MAIN MAR RAHA HUN, Anjali Tilakraj KI VAJAH SE. MUJEY DEPRESSION MAIN DALL KE YE SUKHI HAIN, Sorry Good by Mohit", which was taken in to police possession vide separate memo and after arranging vehicle dead body was kept in dead house of Civil Hospital, Abohar. Due to none presence of family member on the spot, on return to the police party, the investigating got entered Rapat No.47 dated 21.09.2024. Again, investigating officer reached at Civil Hospital, Abohar with HC Sunil Kumar No.113/Fzk. and PHG Jai Chand No. 6751, where Jyoti with her brother in law Rohit son of Shiv Kumar son of Sohan Lal along with other relatives met him, who also get recorded his statement, which was read over and explained to him, who after admitting the same to be correct, put his signatures in English and witnesses also signed it and same was identified by the investigating officer. Since the ingredients of offences under section 108, 3(5) of BNS-23 were fulfilled, so, statements for registration of FIR were sent through PHG Jai Chand No.6751 to the police station and accordingly FIR was registered.



10. That in compliance to the order dated 18.10.2024 passed by this Hon'ble Court, it is submitted as under:

A- THE ROLE OF THE PETITIONER: It is submitted that specific role has been attributed to the present petitioner by the complainant in her statement " he stated that on 21.09.2024 she talked with her husband several times, who seems to be under pressure, from whom, she inquired several times, but he replied that "I am suffering from fever and for that reasons 'I am depressed'. Further she stated that through her relatives, she came to know that "my husband Mohit has committed suicide by hanging himself, from whom one suicide note was recovered, in which he has disclosed about the pressure put by the present petitioner and co-accused Anjali, who is daughter of the present petitioner. Further, she stated that "She remained with Ajali in Live in Relationship for about 4 years and after that Mohit entered in her life and she performed love marriage with Mohit, due to which Anjali and her father Tilak Raj, the present petitioner were annoyed with them due to which her husband has committed suicide by strangulating himself.

B-THE EVIDENCE AGAINST THE PETITIONER:-

It is submitted that there is sufficient incriminating evidence against the petitioner Tilak Raj i.e statement of complainant-Jyoti, suicide note written by deceased Mohit, Form No. 25:25(1) A, MLR No. M403002362400182. Further there is sufficient evidence that complainant Jyoti stated that she remained with Anjali in live in relationship for about 04 years and after that Mohit entered in her life and she performed love marriage with Mohit, due to which Anjali and her father Tilak Raj the present petitioner were annoyed with them due to which her husband Mohit has committed suicide by strangulating himself."

9. The allegations in the suicide note are general in nature and not specific. There is no incident mentioned which can be prima facie attributed as abetment or instigation by the petitioner. Thus, it is not a case for custodial interrogation and pre-trial incarceration.

10. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

11. Given the above, the penal provisions invoked coupled with the prima facie



analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

13. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

15. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.



17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.
18. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.