

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-12310-2015
Date of decision: 18.8.2015

Ravinder Machhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.A.K.Goel, Advocate for the petitioner.

Mr.Ashish Yadav, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.718 dated 28.10.2011 registered under Sections 306 and 34 IPC at Police Station City Jind.

Notice of motion was issued and interim protection was granted to the petitioner.

Thereafter, on the last date of hearing, learned counsel for the petitioner sought time to get instructions from the petitioner as to whether, the petitioner was ready to pay the amount disclosed by the deceased in his suicide note. However, learned counsel for the petitioner submits that he has got the instructions to say that petitioner is not liable to pay any amount. He further submits that as per Annexure P-1, written by the petitioner, an amount of more than Rs. 8 lacs was outstanding against the deceased. He also refers to the reply (Annexure P-2) at page 19 of the paper-book, to contend that the driver of the truck has put entirely a different story. He concluded by submitting that in view of these material discrepancies, petitioner is entitled for anticipatory bail.

Learned counsel for the State submits that at this stage suicide note left behind by the deceased, has to be read as integral part of the FIR itself. The deceased has specified the amount which was outstanding against the petitioner and the same is in any case not less than Rs.12 lacs.

He further submits that since the petitioner is trying to play smart even at this stage, he is not entitled for the concession of anticipatory bail. He would next contend that petitioner and his co-accused forced the deceased to take the extreme step, because the petitioner in collusion with his co-accused has defrauded the deceased. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the instant case noticed hereinabove, petitioner has not been found entitled for concession of anticipatory bail. It is so said because the deceased has levelled specific, categoric and serious allegations against the petitioner which cannot be brushed aside at this stage. So far as Annexure P-1, written by the petitioner, is concerned, it is much after registration of the FIR and could be based on second thought of the petitioner. Petitioner never approached the police authorities or any other competent authority in this regard at an earlier point of time, before registration of the FIR.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that the custodial interrogation of the petitioner will be the compulsive necessity of the investigating agency so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

18.8.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE