

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

CRM-M No.15861 of 2015.

Date of Decision: July 22, 2015.

Vijay Kumar

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.

Ms. Mahima, Assistant Advocate General, Haryana.

Mr. S.K. Tripathi, Advocate for respondent No.2.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.179 dated 13.05.2014 under Section 306 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Model Town, Rewari.

As per story of the prosecution Panna Lal son of Karan Singh, resident of Rajiv Nagar, Rewari (complainant) lodged a complaint on

13.05.2014 that his daughter Sonu aged about 20 years was since 02.05.2014 constantly receiving threatening calls of being killed from mobile no.9810564436. She informed him about the threats being received on 08.05.2014. Subsequent to that the calls received on the mobile of his daughter were received from mobile no.8826104227 and 3216966087. In the said regard, on a complaint lodged by him First Information Report No.175 dated 12.05.2014 was registered. On 13.05.2014, Sonu, after she had taken her exam, was dropped at home by his (complainant's) brother-in-law Dinesh son of Attar Singh. Feeling harassed by the person who was threatening her, Sonu consumed some poisonous substance and committed suicide the same day.

The investigation revealed that mobile no.9810564436 was in the name of Parmanand son of Sham Lal, resident of village Kota Khandewala, Police Station Tauru, District Mewat and he was arrested.

During the course of trial, an application under Section 319 Cr.P.C. was filed by the prosecution for summoning A.S.I. Vijay Kumar (petitioner) as an additional accused which was allowed by learned Sessions Judge, vide order dated 12.03.2015.

Apprehending his arrest, the petitioner filed the present petition seeking anticipatory bail.

Heard the submissions made by Mr. N.S. Shekhawat, learned counsel representing the petitioner, Ms. Mahima, learned Assistant Advocate General, representing the State of Haryana and Mr. S.K. Tripathi, learned counsel representing the complainant-respondent No.2.

It was submitted on behalf of the petitioner that he had no role to play in the entire incident. No allegation was levelled against him by the complainant in the First Information Report or in his statement recorded during the trial. The only allegation that has cropped up against him is that complainant Panna Lal had met him in the police station on 08.05.2014 and had informed him about the life threatening calls being received by his daughter. He had assured him of taking action but he did not do so and ultimately on 13.05.2014 the daughter of the complainant committed suicide. Learned counsel contended that even if the said facts are accepted at its face value, yet commission of no offence by the petitioner under Section 306 I.P.C. is made out. The petitioner had never met or seen the girl. He had no mensrea to abet commission of suicide by the deceased. The complainant was known to the petitioner prior to the occurrence. When he informed him about the life threatening calls received by his daughter, he offered to help him and called on the mobile number given by the complainant. He told him not to indulge in the act of harassment of the girl. On 12.05.2014 when the complainant went to the police station, the petitioner was not there as he had come to Chandigarh in connection with some official work. The complainant contacted him on his mobile and told him that his daughter was still being threatened by the caller. The petitioner advised the complainant to give a written complaint and get the case registered. Accordingly, on the complaint given by the complainant, First Information Report No.175 dated 12.05.2014 under Section 506 I.P.C. was registered at Police Station Model Town, Rewari, District Rewari by the

Duty Officer. On the next day, the daughter of the complainant committed suicide. For the said occurrence the petitioner, who had no contact with the deceased, even by overstretching the provisions could not be held liable for abetment of suicide by the deceased. Submitting that nothing is to be recovered from the petitioner, learned counsel contended that the petitioner be given the concession of anticipatory bail.

The petition was opposed by learned Assistant Advocate General, Haryana and learned counsel representing the complainant-respondent No.2. They pointed out that during the inquiry held into the allegations contained in the First Information Report lodged by the complainant, it transpired that the complainant had gone to Police Station Model Town, Rewari on 08.05.2014 alongwith Sanjeev Kumar son of Chhote Lal and Sanjeev Kumar son of Shish Ram and had given a written complaint to A.S.I. Vijay Kumar stating about the life threatening calls received by his daughter. On the complaint, the A.S.I. had obtained call details of the mobile number of the accused but he did not register a case and also took no action against the accused. Upto 12th May, 2014 he did not take any action. The written complaint given by the complainant on 08.05.2014 was destroyed and the complainant was made to give a fresh complaint on the basis of which a case under Section 506 I.P.C. was registered on 12.05.2014. While no case was registered on the application given by the complainant on 08.05.2014, the petitioner called on the mobile of accused Parmanand and talked to him for three minutes on 09.05.2014. It showed that he was shielding the accused. After he talked to the accused, he

started calling and threatening the deceased using different mobiles.

Learned State counsel further submitted that after the name of the petitioner surfaced as an accused during the inquiry, he managed to get a false case of gang rape registered against the complainant and his friend who was helping him. Inquiry into the said case was conducted by A.C.P., Gurgaon and it was found that the case had been got registered by the petitioner in order to humiliate the complainant and to pressurize him in the present case.

It could not be denied by the petitioner that the complainant had met him on 08.05.2014 at Police Station Model Town, Rewari and had apprised him of the life threatening calls being received by his daughter on her mobile. He alleges that no written complaint was given to him and the complainant did not seek any action against the caller. However, the inquiry into the entire matter revealed that the petitioner had called on the mobile of accused Parmanand on 09.05.2014 and had talked to him for three minutes. It was also the version of the complainant that on 12.05.2014 when he contacted the petitioner and told him that his daughter was still receiving life threatening calls, the petitioner asked him to give a complaint at Police Station Model Town as he was at Chandigarh in connection with some official matter. The evidence collected during investigation also indicated that the petitioner got in collusion with accused Parmanand and instead of taking action against him, tried to protect him. Prima facie, the omission on his part to take legal action at appropriate time led to further harassment of the deceased who started calling the deceased from different mobiles and

ultimately due to the humiliation the deceased was facing, she committed suicide.

As submitted by learned State counsel, the subsequent conduct of the petitioner also speaks volumes against him. After he was summoned as an additional accused in the present case he managed to get a case of gang rape registered against the complainant and his friend, but inquiry into the matter by a senior police officer revealed that the case was false and it had been got registered with an intention to pressurize the complainant in the present case.

In the aforesaid facts and circumstances and without going into the merits of the case, in my considered opinion, no ground for grant of anticipatory bail to the petitioner is made out and his petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 22, 2015
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