

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

CRL. MISC. No.M-19838 OF 2015
DATE OF DECISION : 29th JUNE, 2015

Vidhya Rattan Yadav

.... Petitioner

Versus

State of Haryana

.... Respondent

CRL. MISC. No.M-20604 OF 2015

Krishan Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

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Present : Mr. L. M. Gulati, Advocate for the petitioner in CRM-M No.19838 of 2015.

Mrs. Baljit Mann, Advocate for the petitioner in CRM-M No.20604 of 2015.

Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.

Mr. R. K. S. Brar, Advocate for the complainant.

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SURINDER GUPTA, J. (ORAL)

Both the above petitions have been taken up together for hearing as these arise out of same FIR.

Heard.

Notice of motion in CRM-M No.20604 of 2015.

On the asking of the Court, Mr. R. K. S. Brar, Advocate for the complainant and Mr. Baljinder Singh Virk, Deputy Advocate General,

Haryana, who is present in court, accepts notice on behalf of complainant and State respectively.

FIR No.176 dated 13.04.2015 was registered on the statement of Sunil Yadav, brother-in-law of deceased-Anil Parkash, who allegedly committed suicide on the intervening night of 12/13.04.2015, leaving behind his suicide note (Annexure P-2). In the suicide note he has alleged that he took loan from the petitioners Vidhya Rattan Yadav and Krishan Kumar and several other persons at heavy rate of interest and even after returning double the amount of the loan as interest, the principal was still outstanding. He further alleged torture and repeated phone calls from the petitioners and other persons mentioned in the suicide note and about his harassment which devastated his life compelling him to take extreme step to end his life by suicide.

Learned counsel for the petitioner-Krishan Kumar has argued that the petitioner did not have any financial transaction with the deceased and even if the averments in the suicide note be believed, no abetment to suicide is made out against the petitioners. He has alleged financial stress due to payment of high rate of interest to his creditors, but the copy of the statement of account of the deceased in Oriental Bank of Commerce, Narnaul shows that he was depositing heavy amounts in his account having a balance of about ₹50 lakhs and his wife Kavita was also having more than 20 lacs in her account as on 30.04.2015. Learned counsel for Vidhya Rattan Yadav argues that stress of return of loan can not be termed as abetment by the petitioner to the deceased to commit suicide without any specific allegation to this effect. In suicide note general allegations have

been leveled against various persons without attributing any specific role to petitioner.

Learned counsel for the complainant and learned State counsel have argued that the suicide note has been sent to the FSL for comparison of the writing of the deceased on the suicide note. The call details taken by the police from the concerned service provider shows that there was one call between Vidhya Rattan Yadav and the deceased on 12.04.2015 and two calls between Krishan Kumar and the deceased on that date. The recital in suicide note depict that the deceased was harassed and tortured to such extent that he was compelled to end his life.

On perusal of suicide note and FIR, it is evident that the matter relates to the financial dealings. The police is still in the process of verifying the writing of suicide note and the facts mentioned therein. The deceased had earlier suffered losses while managing 'committee' and then took loan from seven persons. Police is still verifying allegations mentioned in suicide note and role of petitioners.

Keeping in view the above facts, but without commenting anything on merits of the case, both the petitions are allowed. The petitioners are directed to surrender before the police and join the investigation. In the event of their arrest being required they will be allowed bail on their furnishing bail bond till the presentation of challan to the satisfaction of arresting officer, subject to the following terms:

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;

- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

29th June, 2015
'raj'

(SURINDER GUPTA)
JUDGE