

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-21893-2016

Date of Decision:- 27.10.2016

Rajan Angural

...Petitioner

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Navratan Singh, Advocate,
for the petitioner.

Mr. Shailesh Gupta, Addl. A.G. Punjab.

Ms. G.K. Mann, Advocate,
for the complainant.

A.B. Chaudhari, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.104 dated 13.06.2016 registered under Sections 306, 341, 342, 353, 186/34 of Indian Penal Code, 1860 at Police Station Division No.5, District Jalandhar City.

The case of the prosecution is that Ranjit alias Sonu S/o Ram Shankar resident of House No.A-3, 66-KV Radial Colony, near Bashir Pura Jalandhar, lodged a report to the police station that his father Ram Shankar was working as Lineman in the Sub Division Adarsh Nagar, Jalandhar with Punjab State Electricity Board (PSEB). On 11.06.2016 his father made a telephonic call to him at about 03:00 AM that he was not feeling well and, therefore, he went to his office in Adarsh Nagar, Jalandhar and came to know that his father Ram Shankar along with other employees had gone to rectify the feeder of electricity in Ram Sharnam Colony and there the

present petitioner Rajan Angural and his companions assaulted him and gave beatings and also removed his clothes and left him naked, about which his father had given application to his department and, thereafter the department had forwarded the same to the SHO, Police Station Division No.5, Jalandhar. According to him, his father used to remain under tension and on 11.06.2016 at about 10.30 PM he started suffering from loose motions and vomiting and was taken to PIMS Hospital Garha Road, Jalandhar where he died on 13.06.2016 at about 04:00PM. Accordingly the offence of abetment to suicide was registered against the petitioner.

Learned counsel for the petitioner contended that, as a matter of fact the deceased Ram Shankar was admitted to the hospital on 11.06.2016 at about 11.15 PM and he expired on 13.06.2016 at about 04.00 PM. He has invited my attention to the contemporaneous records of the hospital namely PIMS Hospital, Jalandhar, which shows the history that the patient came with symptoms of vomiting and loose motions and acute Gastroenterological problem. The clinical record, according to him, shows that the patient had eaten something from outside and started vomiting since ½ hours with frequent episodes with loose motion and acute Gastroenterological problem. There is also mention in the clinical record that he was chronic alcoholic and chronic smoker. According to him, the entire initial contemporaneous record does not at all show any allegation against the present petitioner. Rather to the contrary the case was that of the patient eating something from outside and then started vomiting. The patient was stable on 12.06.2016 at about 01.30 PM, still there is no mention anywhere on that day about any complaint against the petitioner by the deceased. The learned counsel then

submitted that at about 01.00 PM on 12.06.2016, it is stated that the deceased not only suffered from gastroenterological problem but had also consumed rat poison. The FIR lodged to the SHO, Police Station Division No.5, Jalandhar. He had also told the doctor that he had been beaten by some person (BJP Pradhan). The reconciliation of the evidence of the prosecution cannot be made.

Per contra, the learned counsel for the State as well as the learned counsel for the complainant vehemently opposed the application for grant of anticipatory bail and submitted that the petitioner has committed a very serious offence in the sense that the deceased was assaulted and thereafter his clothes were removed. As such the deceased felt insulted/humiliated and, therefore, he committed suicide which is also clear from the suicide note. There is thus strong evidence against the petitioner and he is not entitled to grant of anticipatory bail.

I have heard learned counsel for the rival parties at length on several dates. I have also seen the entire police papers/diary so also the papers produced in this petition. It is a fact that when the deceased was admitted to the hospital on 11.06.2016, he was well within his sense and did not state that he was insulted/humiliated by anybody, not even to the doctor even on 12.06.2016. However, it appears that thereafter, the statement of doctor was recorded who stated that the patient has stated about the alleged cruel treatment to him. The entries read thus:

“28. Present History: Patient have C/C of:

-Vomiting

-Loose motions (Since ½ hr.).

Patient has H/O eating from outside, had sudden onset of vomiting since ½ hr., frequent episode with C/o passage of 2-3 loose stools.

Personal History:- Non-Veg.

-Chronic Alcoholic and chronic smoker.

29. General Physical Examination:- Calood oriented to time, place and person.

-Continuously vomiting when brought to ewg.

-pupils reacting to light.

Head and Neck:- NAD

31. 12.06.2016/1:30 AM

-pt. is stable.

-shift the pt. In Med-Ward.

12.06.2016/1:00 PM

-poisoning (rat poision), following beating.

Alleged H/O beaten by some person (BJP Pradhan) told by the patient.

-Pt. Pt's son refused for police information.

so C/D/W. Sunil Sharma.

The contemporaneous entries in the clinical record thus do not reconcile with the case of the prosecution and on the contrary, prima facie it leans towards the case of the defense that no such incident had taken place, not only that the apology letter (Annexure-P-3) of the deceased shows that he had abused the petitioner on telephone. That apart, how what is required to be seen is the alleged suicide note relied upon by the complainant.

I have carefully gone through the letter allegedly written by the deceased (Annexure-C-2) produced by the complainant on record. Perusal of the said letter (Annuxure-C-2) nowhere shows that the deceased felt so much insulted/humiliated that he would commit suicide as alleged by the prosecution. On the contrary, it is stated that the deceased had informed to AJE, Shri Satpal Singh about the occurrence that the petitioner and others had misbehaved with him in excess and attacked him, made him naked also. Thus reading of Annexure-C-2 does not at all indicate about any instigation for commission of suicide by Ram Shankar. This apart the evidence discussed above shows absence of immediate disclosure about the incident of assault or making the deceased humiliated, naked etc. to the doctor, but it

is only after some period these allegations have surfaced.

In that view of the matter, I think, the petitioner is entitled to grant of anticipatory bail. In the result, interim order dated June 28, 2016 made by this Court granting anticipatory bail to the petitioner is made absolute.

Disposed of.

October 27, 2016

pankaj

(A.B. CHAUDHARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No