

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-31454 of 2016
DECIDED ON: SEPTEMBER 30, 2016

RAM KUMAR SINGH

....PETITIONER

VERSUS

STATE OF HARYANA.

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. Harpreet Kaur, AAG, Haryana

JASPAL SINGH, J

By virtue of this petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case bearing FIR No. 387, dated August 18, 2016, under Section 306 IPC, registered at Police Station Sector 31, Faridabad.

The above-mentioned FIR was got registered at the instance of Sonu Paswan, brother of the deceased Sunil Paswan on the allegation that his deceased brother was under stress as the petitioner Ram Kumar was pressurizing him to return ₹1,00,000/- and also that he had threatened to kill him.

The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in the instant case. The deceased Sunil Paswan is alleged to have left a suicide note. Even the allegations levelled in the suicide note are taken on its face value, which can be said to have driven the deceased to put an end to his life, no abetment is established. Even, otherwise the petitioner has been working as a contractor and had rather been extending help to the deceased in getting part time job(s) from time to time. Not only this, even the petitioner also financially helped the deceased number of times. Even, on August 30, 2016, the deceased had borrowed a sum of ₹2000/- from the son of the petitioner. The deceased is alleged to have committed suicide on the intervening night of August 17/18, 2016 and even three days prior to this petitioner and deceased never met each other. The deceased might have committed suicide due to his own family problems and differences with his brother. Moreover, petitioner is ready to join the investigation and to abide by all the terms and conditions imposed by this Court in case he is granted the concession of pre-arrest bail.

On the other hand, learned State counsel has opposed the bail submitting that a specific role has been attributed to the petitioner in the suicide note left by the deceased. Otherwise also, their being serious allegation against the petitioner, he does not deserve the concession of pre-arrest bail.

This Court has given a deep thought to the rival submissions made by learned counsel for the parties but does not find any merit in the submissions made by learned counsel for the petitioner.

The instant case stands registered against the petitioner on the basis

of statement of Sonu Paswan brother of the deceased. A specific role has been attributed to the petitioner in the suicide note left by the deceased. Otherwise also, the investigation is still at its initial stage and at this stage it cannot be opined that there is no abetment on the part of the petitioner or that he is not involved in the commission of alleged offence. No person intend to put an end to his life by committing suicide. Since there are specific allegations against the petitioner showing his involvement, custodial interrogation of the petitioner is essential to unearth all the ramifications involved in this case. Further this Court is of the considered view that in the absence of custodial interrogation of the petitioner the investigation of this case is likely to be stultified.

Dismissed.

SEPTEMBER 30, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*