

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

Crl. Misc. M-15120 of 2017 (O&M)
Date of Decision: November 02, 2017

Soma Ranga and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.S. Nalwa, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

Mr. M.S. Kohli, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioners in the event of arrest in FIR No.52 dated 17.03.2015, under Section 306 of the Indian Penal Code, registered at Police Station Derabassi, District SAS Nagar, Punjab.

By order dated 02.05.2017, notice of motion was issued and the petitioners had been directed to join the investigation.

Learned counsel for the petitioners contends that the petitioners are falsely implicated in the present case and on the direction of this Court, have joined the investigation. It is argued that Charu, real sister of deceased Raman Manocha in the instant case, was married to petitioner No.2 and out of this wedlock, a child was born. It is stated that Charu committed suicide

in July 2012 regarding which FIR No.128 came to be registered on 27.07.2012, in which case the petitioners were charged under Section 306 of Indian Penal Code. In the said FIR, the petitioners were convicted/sentenced and their substantive sentences were suspended by this court by orders dated 14.10.2014 and 04.12.2014 respectively. Counsel for the petitioners vehemently argued that there had no occasion for the petitioner to have an interaction with the deceased after July, 2012, therefore, the basic ingredients for constituting the offence of abetment of suicide are not made out in the instant case. It is also contended that nothing is to be recovered from them.

Learned DAG Punjab for the respondent-State, on instructions from the Investigating Officer, submits that petitioners have joined the investigation. It is further submitted that report of Forensic Science Laboratory has been received, in which the handwriting and signatures of deceased Raman Manocha have been established to be true and genuine. It is also contended that offences alleged against the petitioners are serious in nature, therefore, they are not entitled for grant of anticipatory bail.

Learned counsel appearing on behalf of the complainant argues that the deceased committed suicide by consuming some poisonous substance and in the suicide note left by him, it is stated that the petitioners are responsible for his death. It is argued that since there are specific allegations against the petitioners, they are not entitled to the relief of anticipatory bail.

I have heard learned counsel for the parties, apart from perusing the record.

The instant FIR came to be lodged by complainant-Parshotam Lal, who happens to be the father of deceased Raman Manocha. As per the contents of the FIR, Charu, daughter of the complainant, was married to petitioner No.2 in the year 2005. It is alleged that due to some poisonous substance being given by the petitioners, she died in the month of July, 2012. It is further stated that on 14.03.2015, his son Raman Manocha committed suicide due to some reason. When the complainant checked the tool box of the motorcycle of his son, he found one suicide note from it duly written by his son mentioning therein that Soma Ranga and Sunny Ranga (mother-in-law and husband) of his late sister Charu are responsible for his death and due to them, he is going to finish his prosperous life.

A bare perusal of the FIR would show that the deceased had held the petitioners herein i.e. mother-in-law and husband of his late sister responsible for his death, while mentioning that due to them, he is going to finish his prosperous life.

An argument has been raised by counsel for the petitioners that after the death of Charu, sister of the deceased, in the month of July 2012 there was no occasion for the petitioners to have interaction with the deceased Raman Manocha till 14.03.2015, when he committed suicide.

This court has minutely gone through the petition and other documents annexed with it. At this stage, prima facie this court is of the considered view that as to how and in what manner the petitioners herein are responsible for the death of the deceased, is yet to be established by way of evidence during trial. By way of filing the instant petition, the petitioners are seeking the relief of anticipatory bail and pursuant to the order dated

02.05.2017, they have already joined the investigation and at this stage, nothing is to be recovered from them. Meaning thereby, their custodial interrogation is not required by the investigating agency.

In view of the facts that the petitioners are not required for custodial interrogation and have joined the investigation, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 02.05.2017 granting interim bail to the petitioners is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

Any observations made hereinabove are only for the purpose of deciding the anticipatory bail application and not to be construed as an opinion on the merits of the case.

November 02, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No