

**CRM-M-31777-2017 and
CRM-M-33413-2017**

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

Date of Decision: 12.10.2017

1. CRM-M-31777-2017

Yogander

... Petitioner

Versus

State of Haryana

... Respondent

AND

2. CRM-M-33413-2017

Rohtash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioners in both the petitions.

Mr. B.S.Virk, DAG, Haryana.

Mr. Balkar Singh, Advocate,
for the complainant.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-31777-2017, filed by
petitioner-Yogander and CRM-M-33413-2017, filed by petitioner-Rohtash,
under Section 438 of the Code of Criminal Procedure, 1973 (for brevity,

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'Cr.P.C.') for grant of anticipatory bail in case FIR No.260 dated 06.08.2017, registered at Police Station Gohana Sadar, District Sonapat, under Sections 306 and 34 of the Indian Penal Code.

Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through her counsel. They contested these petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR, in the present case, has been registered on the statement of Roshni, mother of Sushil (since deceased). It is mentioned in the FIR that about 20 days back, Ritu wife of the deceased went to her home. On 05.08.2017, at about 1.00 P.M, the deceased came down the stairs and told the complainant that he had consumed a tablet of celphos due to the harassment of his *Saadu* and brother-in-law (*Sala*). It is also mentioned in the FIR that four days back, both of them called the deceased at Rohtak and gave him beatings without any reason and also levelled the allegation of a girl upon him.

Learned counsel for the petitioners argued that from the perusal of FIR, itself, no abetment to commit suicide is made out. He also argued that there was no matrimonial dispute between the deceased and his wife. The affidavit (Annexure P-4), given by the deceased on 03.08.2017, shows that he had some relations with another girl, sister of Amit and he promised not to call that girl etc. He also argued that even if it is presumed that

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before four days of the occurrence, some slaps were given by the petitioners to the deceased, then it does not amount to abetment to commit suicide and moreover, no immediate abetment was there.

In pursuance of the interim orders dated 05.09.2017 passed in CRM-M-31777-2017 and dated 11.09.2017 passed in CRM-M-33413-2017 by this Court, the petitioners have already joined the investigation.

After going through the record and keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioners are not required for custodial interrogation and, therefore, no useful purpose will be served by sending them to custody. Finding merit in these petitions, the same are allowed. The orders dated 05.09.2017 passed in CRM-M-31777-2017 and dated 11.09.2017 passed in CRM-M-33413-2017, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

12.10.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No