

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

**CRM No.M-7537 of 2017
Date of decision: 06.03.2017**

Saubhagya Swarup Das

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.131 dated 17.02.2017, registered at Police Station DLF-II, Gurugram, for offence punishable under Section 306 of the Indian Penal Code (in short 'IPC').

Counsel for the petitioner has submitted that the present FIR was lodged at the instance of brother-in-law (*Jija*) of deceased Shilpa wherein he had simply stated that on receipt of information that Shilpa had committed suicide, he had reached the place of occurrence, saw the dead body lying on the bed and a ligature mark on her neck and a suicide note was found at the spot. It is further submitted that even as per the alleged suicide note left behind by the deceased, nothing has been mentioned as to how and in what manner, the petitioner instigated or abetted suicide by the deceased. Further argued that the deceased and the petitioner remained working together at different places since 2009

but the deceased never raised any allegations against the petitioner. After lodging of FIR, father of the victim has concocted a story that the petitioner and the deceased were in living relationship on the promise by the petitioner to live with the deceased permanently. It is argued that this allegation raised by the father gets falsified and belied from the fact that the petitioner is a married person having his family. The last submission made by counsel is that the petitioner is ready to join investigation and co-operate throughout. In support of his contentions, he has relied upon judgment of this Court ***“Jagdeep Kaur vs State of Punjab”***, 2013(4) RCR (Criminal) 1013.

I have heard counsel for the petitioner and perused the paperbook.

As per the allegations brought-forth at the first instance, the deceased left behind a suicide note. During investigation, suicide note and one diary were taken into police possession. As per the suicide note, the present petitioner by name has been said to be responsible for death of the victim. The victim is no more in the world to say something more. Custodial interrogation of the petitioner would elicit the circumstances which compelled the deceased to eliminate herself at a young age of 30 years particularly in the circumstances that the deceased was an educated girl and gainfully employed. Under these circumstances, I do not think it to be a fit case wherein the petitioner deserves to be allowed the benefit of bail in anticipation of arrest, a concession to be allowed by the Court in case the Court comes to the conclusion that a false case has been registered due to some political vendetta or a similar cause. That being so, the petitioner cannot derive

any advantage to his contention from the referred authority.

Dismissed.

(REKHA MITTAL)
JUDGE

06.03.2017
yakub

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