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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2577/2016 & CRL.M.B. 2219/16**

DINESH GAUR

..... Petitioner

Through : Mr.Sunil K.Mittal with Mr.Shyam
S.Sharma, Advocates.

versus

STATE

..... Respondent

Through : Mr.Arun K.Sharma, APP with SI
Sandeep Maan.
Counsel for the complainant
(appearance not given).

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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20.02.2017

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.2249/2015 registered under Sections 306/34 IPC at PS Malviya Nagar. Status report is on record.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. On 16.12.2015, Ravinder Mohan Bhardwaj committed suicide. The complainant – Archi Bhardwaj, his daughter lodged the FIR on 17.12.2015. She implicated her husband - Manish Kaushik, mother-in-law - Shashi Kala and the petitioner - Dinesh Gaur, builder. She informed that her father had committed suicide as he was harassed by

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them. The petitioner had failed to hand over the possession of the premises in question in time pursuant to the collaboration agreement. The petitioner was pressurizing her father to get the property transfer in his own name.

3. During investigation, two suicides notes purportedly written by the deceased were handed over to the Investigating Agency. I have examined the suicide notes where the deceased had allegedly named Dinesh Gaur (the petitioner), Manish Kaushik (his son-in-law) and Shashi Kala (mother-in-law of his daughter) responsible for his death. He, however, did not elaborate in the suicide notes as to how these persons were responsible for his death. No specific and definite role was assigned to any of them individually or collectively.

4. During the course of arguments, it was revealed that the possession of the premises in question was handed over prior to the incident in question and at the time of occurrence, the victim and his family were in its possession.

5. It is also not in dispute that victim's daughter - the complainant had lodged various cases against her in-laws and at the time of occurrence, she was staying at her parents' house. It is further informed that the matter has been settled by the complainant with her mother-in-law - Shashi Kala. At the time of grant of anticipatory bail to Shashi Kala, she did not object to it and informed the Court that a settlement has taken place with her mother-in-law and at present she was residing in the matrimonial home. Police file shows that the

proceedings filed by her has been withdrawn.

6. Before dismissal of the anticipatory bail application by the Trial Court, the petitioner was granted interim protection and was directed to join the investigation as and when required. Undisputedly, the petitioner has joined the investigation since then.

7. Genuineness and correctness of the suicide notes is yet to be ascertained. On comparison of both the suicide notes, it reveals that the writer has given different spellings of complainant's mother-in-law i.e. in one it is mentioned 'Shashi Kala', whereas in the other it is 'Sasshi Kala'. In one suicide note, there is overwriting on some digits.

8. Considering the facts and circumstances of the case and in the absence of any specific role assigned to the petitioner in the suicide notes, custodial interrogation is not required. The petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the SHO/Investigating officer. He shall, however, join the investigation as and when required.

9. The bail application stands disposed of.

10. All the pending applications also stand disposed of.

S.P.GARG, J.

FEBRUARY 20, 2017 / tr

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