

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

CRM-M-13058-2018

Date of decision:-23.4.2018

Mukesh Chand Sharma and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.M.K. Sood, Advocate
for the petitioners.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Vaibhav Kumar Garg, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners – Mukesh Chand Sharma and Ram Parkash @ Ramu, accused in FIR No.675 dated 15.10.2016, under Sections 306/34 IPC, registered at Police Station Saran, Faridabad.

Briefly stated, the facts of the case as per prosecution story are that the FIR in this case was got recorded by complainant Smt.Rekha Verma wife of deceased Sunil Verma, resident of Dabua Colony, NIT, Faridabad, who had submitted a written complaint to the police mentioning therein that her husband Sunil Verma had committed suicide by hanging himself on 28.9.2016 under the pressure and torture of

Mukesh Chand Sharma and Ram Parkash @ Ramu sons of Mahavir Parsad, residents of Dabua Colony, Faridabad; that Mukesh Chand Sharma and Ram Parkash @ Ramu had taken a sum of Rs. 5,85,000/- from them, which they refused to return and rather lodged a false complaint against them with Police Post Dabua, where the deceased was called and under pressure was made to compromise the matter and he started remaining under mental tension; on a complaint having been lodged by deceased against Mukesh Chand Sharma and Ram Parkash @ Ramu, FIR was registered against them; the deceased hoped to get his money from petitioners, but the petitioners rather threatened the deceased to withdraw the case, otherwise he and his family members would be eliminated, as a result of which deceased had committed suicide by hanging himself. The deceased had left a suicide note also holding Mukesh Chand Sharma and Ram Parkash @ Ramu responsible for his suicide. Formal FIR was registered.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail by filing an applications, however, their such requests were declined by learned Additional Sessions Judge, Faridabad vide orders dated 21.3.2018. As such, the petitioners have approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

Learned counsel for the petitioner has contended that the

authenticity of suicide note is yet to be established and even if it is taken that such note is a genuine document, the contents thereof do not constitute any abetment on the part of the petitioners and no offence is shown to have been committed by the petitioners, therefore, they be granted pre-arrest bail.

Whereas, this request is being opposed by learned State counsel submitting that petitioners are specifically named in the FIR and in the suicide note left by the deceased, their names find mentioned.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioners is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

23.4.2018

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

(H.S.MADAAN)
JUDGE