

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

CRM-M-13180-2018

Date of decision:-23.4.2018

Sunil Lather

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Mukesh K. Sharma, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sunil Lather, an accused in FIR No.227 dated 7.12.2017, under Section 306 IPC, registered at Police Station Civil Lines, Jind.

Briefly stated, the facts of the case as per prosecution story are that Rakesh, brother of complainant Rajesh had committed suicide by hanging himself and he had left a suicide note mentioning therein that Sunil Lather (present petitioner) owed a sum of Rs.36 lakhs to him and some other persons named in the suicide note also owed money to him. Since the debtors had not paid any amount to the deceased, he was in

financial crises and mentally disturbed as he was to pay money to certain persons. Formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Sessions Judge, Jind vide order dated 20.3.2018. As such, the petitioner has 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 petitioner and no offence is shown to have been committed by the petitioner, therefore, he be granted pre-arrest bail.

Whereas, this request is being opposed by learned State counsel submitting that petitioner is specifically named in the FIR and in the suicide note left by the deceased, his name find mentioned adding that he and other debtors were not paying to him any money, therefore, he was taking extreme step of committing suicide.

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 petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner 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

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)
JUDGE