

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

CRM-M-18182-2018

Date of decision:-1.6.2018

Sanjay Kumar @ Chhotu

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Jitender Dhanda, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Jasdev Singh Thind, 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 petitioner – Sanjay Kumar @ Chhotu, an accused in FIR No.205 dated 14.4.2018, under Section 306 IPC, registered at Police Station Civil Lines, Hisar.

Briefly stated, the FIR in this case was registered on the basis of statement of complainant Pankaj Chawla son of Dharam Chand, resident of House No.1655, Sector – 14, Hisar, which he made to the police of Police Station Civil Lines, Hisar on 14.4.2018 contending therein that his younger brother Manoj Kumar had left home on 13.4.2018 but did not return; that he did not pick up his mobile phone even; that at about 2:30 p.m., the complainant received an information that his younger

brother Manoj Kumar had committed suicide by hanging himself in a hotel near Jindal Hospital, Hisar. Accordingly, the complainant along with other family members went there and saw Manoj Kumar hanging from ceiling fan in a room of the hotel. According to the complainant, the deceased Manoj Kumar was to take money to the tune of Rs.20 lakhs from Sanjay Kumar @ Chhotu, which the latter was refusing to pay, as such, Manoj Kumar had committed suicide. A suicide note was seen near the dead body, which was handed over to the police. Formal FIR was registered.

On registration of formal FIR, 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 Additional Sessions Judge, Hisar vide order dated 27.4.2018. 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. The complainant has also appeared through counsel.

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

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. The petitioner is specifically named in the FIR lodged by the complainant submitting that deceased was to take

money from him, which was refused to pay, as such Manoj Kumar had committed suicide. In the suicide note written by the deceased, he has categorically stated that Chhotu Gochi is responsible for his death as he had misappropriated his money. Therefore, prima facie abetment to suicide is made out. Though learned counsel for the petitioner states that the act attributed to the petitioner do not come within the definition of abetment under Section 107 IPC but then keeping in view the totality of the circumstances, the fact that petitioner is named in the FIR and it is mentioned that Manoj Kumar had committed suicide since the petitioner had failed to pay his money to him and furthermore in the suicide note also the deceased has categorically stated that the petitioner is responsible for his death as he has misappropriated his money and due to that reason, he was ending his life goes to show that the deceased had held the petitioner responsible for his death pointing out towards abetment to suicide giving from the side of petitioner.

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.

1.6.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No