In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.30441 of 2018
and
Criminal Misc. No.M-22319 of 2018

.....

Date of decision:30.8.2018

Deepak Rana

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Rakesh Bakshi, Advocate for the applicant-respondent No.2.

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Inderjit Singh, J.

Cr. Misc. No.30441 of 2018:

For the reasons mentioned in the criminal miscellaneous application, the applicant-Manju wife of late Shri Kunal, is impleaded as respondent No.2 in the petition.

The criminal miscellaneous application is allowed accordingly. Amended memo of parties is taken on record.

Cr. Misc. No.M-22319 of 2018:

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.100 dated 17.4.2018 registered for the offence under Section 306 IPC at Police Station Sadar, Yamuna Nagar,

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District Yamuna Nagar (Haryana).

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana, has appeared on behalf of the respondent-State and Mr. Rakesh Bakshi, learned Advocate has appeared for respondent No.2 and contested this petition.

I have heard learned counsel for the parties and learned State counsel appearing for the respondent-State and have gone through the record.

From the record, I find that the FIR in the present case has been registered on the statement of Smt. Krishna. As per the allegation, her son Kunal aged 32 years had been engaged for contract of filling the earth by Deepak Rana. Kunal had done the work, but only ₹12 Lakhs were given and ₹18 Lakhs were not given. Therefore, Kunal committed suicide.

Learned counsel for the petitioner submitted that the petitioner had paid ₹12 Lakhs to Kunal, who had done the work of filling the earth partly. As the work was not completed, therefore, the petitioner has to get the work completed from another person and he paid ₹30 Lakhs. Learned counsel for the petitioner further submitted that there is no abetment to commit suicide by the present petitioner. Learned counsel further submitted that even from the suicide note no abetment much less immediate to commit suicide is made out.

After hearing learned counsel for the parties and after going through the record, I have also gone through the suicide note in this case. Kunal (since deceased) mentioned that only ₹12 Lakhs had been paid and

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₹18 Lakhs were not paid to him. The petitioner promised to pay the same within 3-4 days, but after the lapse of 3-4 months he had not paid the same. It is also in the suicide note that Deepak Rana had demanded time for 2-3 days but now 40-60 days had passed and in between Kunal (since deceased) had also called him over phone, but he has not picked-up his phone.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 28.5.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, nothing stated above will constitute my opinion on the merits of the case.

August 30, 2018. **(Inderjit Singh)**
Judge

hsp

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

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