

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 26263 of 2018 (O&M)

Date of decision : 13.7.2018

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Umesh Rathee

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana

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H. S. Madaan, J.

This petition for grant of pre-arrest bail has been filed by petitioner Umesh Rathee, an accused in FIR No. 97 dated 5.5.2018 for offence under Sections 306 IPC, registered at Police Station Chandimandir, Panchkula.

Briefly stated, facts of the case as per the prosecution story are that Rekha, daughter of complainant Anokhi @ Pushpa was married with Umesh Rathee in the year 2001. Rekha was working as a Clerk in CID Branch, Police Head Quarters. The couple was blessed with two daughters. However, Umesh Rathee used to beat up and quarrel with her and he did not allow her to talk with her parents.

Resultantly, Rekha remained under tension. Rekha had informed her mother in that regard. Rekha ultimately took some poisonous substance in her house and died at PGIMS, Chandigarh on 5.5.2018. Her mother lodged a report with the police, stating that husband of the deceased, namely Umesh Rathee, who is petitioner before this Court had abetted suicide of his wife Rekha.

On the basis of her statement, formal FIR was registered. Apprehending his arrest the petitioner had filed an application for pre-arrest bail in the Court of Sessions, which was marked to the Court of Additional Sessions Judge, Panchkula. However, the same was dismissed by such Court vide order dated 12.6.2018, as such he has approached this Court craving for the grant of similar relief. However, the request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The pre-arrest bail is not to be granted in routine but in exceptional circumstances. The allegations against the petitioner are quite serious that he tortured and harassed his wife to such an extent that she was forced to commit suicide. Though it has been projected through a note that Rekha was not harassed by her in-laws, but that writing is without any date and has rightly been disbelieved by the Court below. I am not inclined to take it into consideration. Keeping in view the facts and circumstances, the custodial interrogation of the petitioner is required to reveal the entire story and to find out as to under what circumstances his wife Rekha had taken extreme step of ending her life by consuming poison. If the same is denied to the

Investigating Agency, that shall leave many loose ends and gaps, adversely effecting the prosecution story, which is uncalled for. As observed in authority **State represented by the CBI vs. Anil Sharma, 1997 (4) RCR (Criminal) 268,** custodial interrogation is qualitatively more elicitation oriented 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 information.

No ground for pre-arrest bail is made out.

The petition being without any merit stands dismissed.

13.7.2018
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(**H.S. Madaan**)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No