

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

CRM-M-30074-2018

Date of decision:- 7.8.2018

Sushil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.A.K. Dahiya, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner - Sushil Kumar, an accused in FIR No.215 dated 17.5.2018, under Sections 306 and 34 IPC, registered at Police Station Rai, District Sonapat.

Briefly stated, the facts of the case as per prosecution version are that the FIR was got registered by complainant Akash son of Ashok Kumar, resident of House No.C83/14, Arjun Gali No.1, Mohan Tapuri Maujpur, Delhi, who in the written complaint addressed to SHO, Police Station Rai, District Sonapat submitted that his sister Pravita was got married with Sushil son of Ramesh at village Jakhauli, District Sonipat; that the marriage was performed in the year 2004 but no child was born from the wedlock, therefore, Sushil Kumar used to taunt his wife Pravita

for not bearing any child; that he used to say that if she was unable to give a birth to a child then she should hang herself; that parents in law and brother in law of Pravita also used to join her husband in saying so; that being fed up with such maltreatment, Pravita committed suicide. The complainant sought taking of action against the culprits.

After receipt of the complaint, the matter was got inquired into. Thereafter, 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 Additional Sessions Judge/Special Judge, Sonapat vide order dated 10.7.2018. 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 submitted that the petitioner has been wrongly involved in this case and as a matter of fact the deceased was having tumor in her uterus for which she was got treated and a huge amount was spent by the petitioner on her treatment. This contention does not help the petitioner in any way since he being husband of the deceased was supposed to get her medically treated but that does not mean that he had not maltreated and taunted the deceased for not bearing any child as alleged in the FIR.

As regards his co-accused Ramesh Kumar, Krishna and Narender having been granted pre arrest bail by learned Additional Sessions Judge, Sonapat, their role was to lesser extent as compared to that of the present petitioner. The petitioner cannot seek parity of pre arrest bail being granted to his co-accused.

The petitioner Sushil Kumar is husband of the deceased. He is specifically named in the FIR. The main thrust of allegations are against him for abetting suicide by his wife Pravita.

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.

7.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No