

CRM-M No. 32384 of 2018, CRM-M No. 32387 of 2018, CRM-M No. 34030 of 2018, CRM-M No. 34058 of 2018 and CRM-M No. 33273 of 2018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 32384 of 2018
DATE OF DECISION :- August 28, 2018

Prince Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M No. 32387 of 2018

Davinder Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M No. 34030 of 2018

Dharampal ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M No. 34058 of 2018

Raj Rani ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M No. 32384 of 2018, CRM-M No. 32387 of 2018, CRM-M No. 34030 of 2018, CRM-M No. 34058 of 2018 and CRM-M No. 33273 of 2018

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CRM-M No. 33273 of 2018

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. J.S. Moudgil, Advocate for the petitioner
in CRM-M No. 33273 of 2018.

Mr. B.S. Sodhi, Advocate for the petitioner(s)
in CRM-M No. 32384 of 2018, CRM-M No. 32387 of 2018,
CRM-M No. 34030 of 2018 and CRM-M No. 34058 of 2018.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Vide this order, I intend to dispose of five petitions for grant of pre arrest bail bearing CRM-M No. 32384 of 2018 filed by Prince Kumar, CRM-M No. 32387 of 2018 filed by Davinder Sharma, CRM-M No. 34030 of 2018 filed by Dharampal, and CRM-M No. 34058 of 2018 filed by Raj Rani and CRM-M No. 33273 of 2018 filed Satish Kumar, all of them being accused in F.I.R. No. 1 of 11.6.2018, under Sections 306, 34 IPC registered with Police Station Handesra, District Mohali.

F.I.R. In question was got recorded by complainant Puneet Kumar son of Sh. Ravinder Kumar, resident of village Panjokhara, District Ambala, Haryana aged about 28 years by making statement to police of Police Station, Handesra on 11.6.2018, wherein he had stated that his elder

sister Manju Rani was married with Rajiv Kumar son of Dharampal resident of Jaula Kalan, P.S. Handesra; that Manju gave birth to two children from wedlock; that Rajiv Kumar husband of Manju Rani was not doing any work and was not providing any money to Manju Rani to bear the expenses. Manju Rani took up private employment for running expenses of the family. Thereafter, Rajiv Kumar, his younger brother Davinder, mother Raj Rani, father Dharam Pal, cousin brother Prince and a relative Satish started harassing Manju Rani levelling false allegations against her moral character telling her that either she leave the matrimonial home or die by consuming something. Manju Rani used to inform her family in that regard. According to the complainant they counselled Manju Rani to bear with the situation, but Manju Rani committed suicide by hanging herself due to harassment given by aforesaid persons. Complainant further stated that Manju Rani had committed suicide due to the harassment and non payment of maintenance amount and as a result of false allegations levelled against her moral character.

On the basis of such statement, formal F.I.R. was registered. Apprehending their arrest in this case all the petitioners had approached the Court of Sessions at S.A.S. Nagar, Mohali for grant of pre arrest bail. Their petitions were assigned to Additional Sessions Judge, S.A.S. Nagar, Mohali, who however dismissed the same, as such the petitioners have approached this Court craving for grant of similar relief, whereas their request is being opposed by learned State counsel vehemently.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Learned counsel for the petitioners has contended that petitioner Prince Kumar is son of Harmesh Kumar, who is brother of Dharam Pal father-in-law of deceased Manju Rani. Prince Kumar has been residing separately from family of the deceased and he has not abetted suicide by Manju Rani, he has been involved in this case being a close relative of in-laws family of deceased Manju Rani. It has further been contended that Manju Rani was working in a factory belonging to Naresh Kumar Saini resident of Ambala City and she had developed illicit relations with him, therefore, Rajiv Kumar husband of the deceased had moved an application against Naresh Kumar Saini to the police alleging that Naresh Kumar Saini had been chatting with Manju Rani and had threatened to kill him. However, later on the matter was compromised on 6.5.2018. Manju Rani had apologized to her in-laws family and had promised that she would not make any mistake in future. It seems that Manju Rani felt ashamed due to said incident and exposure of her relations with Naresh Kumar Saini and therefore, committed suicide. Further more neither her husband nor any member of his family or relative is guilty of abetment of suicide of Manju Rani, therefore, they be granted pre arrest bail. Whereas learned State counsel has vehemently countered the arguments stating that most crucial document in this case is the suicide note left by Manju Rani in which she had named the petitioners-accused alleging that they used to harass her by

levelling false allegations against her moral character and they being responsible for her death. The suicide note dated 11.6.2018, which is in the hand of deceased bearing her signatures roughly translated is that her husband, brother-in-law (Devar Devinder), father-in-law, mother-in-law, Prince, sister-in-law (Nanad), Sister-in-law's husband Satish are responsible for her death and her two children be taken care of.

Learned State counsel has further contended that from the stand taken by the petitioners it also comes out that they doubted the moral character of the deceased. From the compromise it cannot be made out that there was illicit relations between deceased and Naresh Kumar Saini rather in the application submitted by Rajiv Kumar husband of the deceased to the police he had levelled allegations of Naresh Kumar Saini talking to his wife and giving threats of killing him. Manju Rani had apologized for that reason compromising not to do such acts in future, however, this compromise points out that Manju Rani was being harassed by her husband Rajiv Kumar, therefore, petitioners are not entitled to pre arrest bail.

Pre arrest bail is not to be granted in routine but in exceptional cases. It is meant to save the innocent persons from hardship and inconvenience of putting them behind bars but not to save the criminals from custodial interrogation.

After hearing the rival contentions and going through the record, I find that in this case a young married woman had ended her life. She has left a suicide note in which she has blamed her husband and his

family members/relatives for her death. A person going to the extent of ending his life at young age would only do so if driven to state that no other alternative is left with her but to end her life. Even now the petitioners are levelling allegations against moral character of the deceased of her having illicit relations with her employer Naresh Kumar Saini. But a copy of compromise placed on file is not suggestive of such illicit relations. An employer talking with his employee on telephone cannot be taken to be amounting to illicit relations. If frequency of said talks and duration thereof is abnormally high that may be objectionable to the husband and in-laws family of the female employee but that does not lead to the influence relation between the employer and the employee. Rather it comes out that deceased had ended her life due to such allegations being levelled on her moral character by the petitioners-accused. The allegations against all the petitioners are very serious requiring their custodial interrogation for complete and effective investigation. In case such custodial interrogation which is more elicitation oriented is denied to the investigating agency that will leave many loose ends and lacunae effecting the prosecution case adversely which is uncalled for.

Finding no merit in the petition the same stands dismissed.

(H.S. MADAAN)
JUDGE

August 28, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No