

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

CRM-M-3757-2018
Date of decision:-9.2.2018

Rohit and another

...Petitioners

Versus

State of Haryana

...Respondent

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

Present: Mr. Jaswinder Singh, Advocate
for the petitioners.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Chanaka Pandit, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioners – Rohit and Dinesh, both accused in FIR No.627 dated 31.10.2017 for offences under Sections 306, 323, 34 IPC registered with Police Station Gharaunda, District Karnal.

Briefly stated, the facts of the case are that FIR in this case was recorded on the basis of statement of complainant Savita Devi wife of Suresh Kumar, resident of Bhato Mohalla, Ward No.12, Gharaunda, District Karnal, aged about 42 years, which she made to the police stating therein that her husband Suresh Kumar had taken a loan of Rs.1,35,000/-

from Rohit and Dinesh, residents of Karnal, which loan was being repaid in installments of Rs.9,271/- per month; that installment for one month could not be paid, then two days prior to the incident, Rohit and Dinesh along with their accomplice came to their house to collect the installment and threatened them that if it was not paid till 30.10.2017, then they would take away their household articles; that Suresh Kumar pleaded with them that he would pay installment in a day or two and they should not take away their household articles, since his reputation would be adversely affected in the neighbourhood, but to no effect; that both Rohit and Dinesh started preparing list of household articles and also manhandled the complainant; that they had arrived at their house at 4:00 p.m. and left it at 7:30 p.m.; that then Suresh Kumar went to his room on the first floor did not come downstairs for a long time, when the complainant went to said room and there she observed that Suresh Kumar was hanging from hook of ceiling fan with the cloth of her suit; that she raised an alarm; that Suresh Kumar was brought down but he had died. In her statement, the complainant has stated that Suresh Kumar had committed suicide due to harassment being given by Rohit and Dinesh and legal action be taken against them.

Apprehending their arrest in this case, the petitioners have approached the Court of Sessions for grant of pre-arrest bail but their such application was declined by learned Additional Sessions Judge, Karnal vide order dated 20.1.2018. Feeling aggrieved, they have approached this Court for grant of similar relief.

I have heard learned counsel for the petitioners and learned State counsel assisted by learned counsel for the complainant besides

going through the record and I find that no ground for grant of pre-arrest bail to the petitioners is made out. The petitioners are specifically named in the FIR and as per allegations, they had gone to the house of deceased and had threatened him, manhandled his wife – complainant and they had even prepared list of the household articles, which they wanted to take away and soon thereafter, Suresh Kumar had committed suicide. Under the circumstances, the petitioners are not entitled to discretionary relief of anticipatory bail.

Custodial interrogation of the petitioners is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners 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.

As regards the authorities i.e. *Ram Sarup Versus Ravi and others, 2012(5)R.C.R.(Criminal)594, Gurjant Singh and others Versus State of Punjab, 2013(4) R.C.R.(Criminal) 515* by Co-ordinate Bench of this Court referred to by learned counsel for the petitioners, those do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

Thus finding no merit in the petition, the same stands dismissed.

9.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No