

CRM-M-39018-2017;
CRM-M-40953-2017 &
CRM-M-45852-2017

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

1. CRM-M-39018-2017

Vijay Laxmi

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-40953-2017

Ram Rattan Bhardwaj

..... Petitioner

Versus

State of Punjab

..... Respondent

3. CRM-M-45852-2017

Aman @ Amandeep and others

..... Petitioners

Versus

State of Punjab

..... Respondent

Date of decision : 20.4.2018

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

Present : Mr.K.S. Sidhu, Advocate
for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.B.D. Sharma, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order, I shall dispose of three petitions for grant of pre-arrest bail i.e. **CRM-M-39018-2017** filed by petitioner Vijay Laxmi, **CRM-M-40953-2017** filed by petitioner Ram Rattan Bhardwaj and **CRM-M-45852-2017** filed by petitioners Aman @ Amandeep, Pawan @ Pawandeep and Renu Bala, all of them being accused in FIR No.78 dated 3.5.2017, under Sections 306/34 IPC, registered at Police Station Phase-I, District SAS Nagar Mohali.

Briefly stated, facts of the case as per prosecution story are that Mukesh Attri son of complainant - Baldev Krishan Attri had committed suicide. The complainant got the FIR recorded stating that after marriage between Mukesh Attri (deceased) and Vijay Laxmi, they could not pull on together and would quarrel with each other; Vijay Laxmi had submitted complaints against her husband Mukesh Attri and father-in-law Baldev Krishan Attri and an FIR for the offences under Sections 498-A and 406 IPC was registered against them; Vijay Laxmi had been residing with her parents. In the statement made by the complainant to the police he stated that he has full doubt that his son Mukesh Attri had committed suicide after being harassed and compelled by his wife Vijay Laxmi, father-in-law Ram Rattan Bhardwaj, brothers-in-law Aman @ Amandeep, Pawan @

Pawandeep and sister-in-law Renu Bala.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such application was dismissed by the Court of learned Additional Sessions Judge, Mohali vide order dated 20.5.2017. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel. The complainant has also appeared through counsel.

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

As far as petitions filed by petitioners/accused Vijay Laxmi and Ram Rattan Bhardwaj are concerned, besides they being named in the FIR, there are specific allegations against them of abetting suicide of Mukesh Attri. Furthermore, the deceased is said to have left a suicide note also blaming his wife and father-in-law for taking the extreme step. Remaining persons named in the FIR do not find mention in the suicide note. Though petitioners Vijay Laxmi and Ram Rattan Bhardwaj have joined the investigation in terms of the directions issued to them while granting interim bail but as stated by the State counsel on instructions from ASI Dilbagh Singh from Police Station Phase-I, Mohali, they have not come out with the complete information with regard to the incident.

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 petitioners Vijay Laxmi and Ram Rattan Bhardwaj is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners Vijay Laxmi and Ram Rattan Bhardwaj 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, **CRM-M-39018-2017** filed by petitioner Vijay Laxmi and **CRM-M-40953-2017** filed by petitioner Ram Rattan Bhardwaj stand dismissed.

As far as petition for pre-arrest bail filed by petitioners Aman @ Amandeep, Pawan @ Pawandeep and Renu Bala i.e. **CRM-M-45852-2017** is concerned, the same deserves to be allowed since as stated by learned State counsel on instructions from ASI Dilbagh Singh from Police Station Phase-I, Mohali that as a result of inquiry conducted in the matter by DSP City-I, Mohali, their involvement in the incident was not found to be there. In that way, their custodial interrogation is not found to be necessary, therefore, **CRM-M-45852-2017** filed by petitioners Aman @ Amandeep, Pawan @ Pawandeep and Renu Bala deserves to be accepted. Therefore, the interim bail granted to them vide order dated 2.12.2017 is made absolute

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subject to their fulfilling conditions under Section 438(2) Cr.P.C.

CRM-M-45852-2017 is allowed accordingly.

(H.S. MADAAN)
JUDGE

20.4.2018
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**