

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

Sr. No.206

CRM-M-44291-2017
Date of decision : 09.02.2018

Arun Kumar @ Anu Dulguj

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CRM-M-44873-2017

Suresh Dulguj

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.P.S. Duggall, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Vishavdeep Singh Rana, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

This order shall dispose of two petitions viz. CRM-M-44291-2017 titled as 'Arun Kumar @ Anu Dulguj Vs. State of Punjab' and CRM-M-44873-2017 titled as 'Suresh Dulguj Vs. State of Punjab' filed under Section 438 Cr.P.C. for grant of anticipatory bail, as both of them arise out of the same FIR 189 dated 26.10.2017, registered under Section 306 IPC at Police Station City-1 Abhor, District Fazilka.

2. The allegations in the FIR are that the complainant and his two brothers work as labourers. The complainant is the youngest of the three and elder to him was Sunil Kumar, who had been tense for the last two/three days. However, on being questioned, he did not reveal

anything. On 26.10.2017 at about 12.30 p.m., Sunil Kumar alone was at home and his brothers had gone out for work. Their parents and sister-in-law were also present at home. When, mother of the complainant went to the roof to feed the dog, she found that Sunil Kumar had strangled himself by tying rope with the fan. On alarm being raised, some persons from the neighbourhood reached the spot and father of the complainant also came there. Sunil Kumar was brought down and was taken to hospital, where he expired. A piece of paper was recovered from his pocket, in which he had blamed the petitioner for fighting with him. Thus, a complaint was made with the allegations that Sunil Kumar had committed suicide on account of harassment at the hands of the petitioners and their family members. Notice of motion was issued in this case and after hearing learned counsel for the parties, interim pre-arrest bail was granted to the petitioners vide order dated 08.12.2017. It is not disputed that pursuant thereto, the petitioners have joined investigation. It has been submitted by learned counsel for the petitioners that as per the allegations in the FIR, offence under Section 306 IPC is not made out. He further submits that the alleged suicide note has not yet been got examined from the Forensic Science Laboratory and therefore, it cannot be said whether the same is genuine or not. The said suicide note is written in Hindi language and the signatures thereon are in English and thus, the veracity thereof is doubtful. Finally, it is submitted that only general allegations have been made in the FIR and no specific events or dates have been mentioned.

3. Learned State counsel assisted by the learned counsel for the complainant submits that a complaint has been made to the investigating officer concerned regarding harassment at the hands of the petitioner while on interim bail. It is also submitted that every person does not have similar mental characteristics and one may succumb to even a little pressure where as the other may not do so. Thus, it is contended that the deceased-Sunil Kumar committed suicide on account of harassment at the hands of the petitioners and his family members and therefore, case of abetment to suicide is made out.

4. Whether case under Section 306 IPC is made out or not is a matter of trial? At this stage, it is not in dispute that the petitioners have joined the investigation and are cooperating therewith. No recovery is to be effected from the petitioners and since the investigation qua the petitioners is complete, they are entitled to grant of anticipatory bail.

5. In this view of the matter, the petitions are allowed and the interim bail granted to the petitioners vide orders dated 08.12.2017 is made absolute subject to the conditions enshrined under Section 438(2) Cr.P.C.

(SUDHIR MITTAL)
JUDGE

February 09, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No