

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

**CRM-M No.53704 of 2018 (O&M)
Date of Decision: 20.12.2018**

Vivek Garg

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Atul Lakhanpal, Senior Advocate assisted by
Mr. Arjun Lakhanpal, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

Mrs. Anju Arora, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (*Cr.P.C.*) for grant of concession of anticipatory bail to the petitioner in case FIR No.432 dated 16.10.2018 (**Annexure P-1**), under Section 306, 34 of the Indian Penal Code (Section 120-B, IPC added later on), registered at Police Station City Mandi Dabwali, District Sirsa.

The case of the prosecution is that about two months prior to the registration of present FIR, Yogesh Mittal (deceased) was threatened for extortion by the petitioner as well as other co-accused and an FIR No.352 dated 20.08.2018 (**Annexure P-3**), under Sections 120-B, 384, 506, IPC and Section 25 of the Arms Act, in that regard was registered at Police Station City Mandi Dabwali, Sirsa by the deceased himself, but police did not take any

action till date as he was feeling very scared. Deceased approached the police time and again, but they did not pay any heed, rather he was pressurized to compromise the matter. Also alleged that accused gave a threat to eliminate the deceased, therefore, living under fear, he committed suicide and left behind two small children.

It is contended by learned Senior Counsel for the petitioner that petitioner has not abetted the deceased to commit suicide and as such, no offence is made out against him. Also contended that petitioner has been granted the benefit of interim pre-arrest bail in FIR No.352 dated 20.08.2018 today itself by the co-ordinate Bench and as such, deserves the concession of bail.

On the other hand, learned State Counsel opposed the present petition and prayed for dismissal of the same on the ground that the petitioner actively participated along with other co-accused and pressurized the deceased to commit suicide.

Heard learned Counsel for the parties and perused the record.

From the allegations in the FIR, it is apparently clear that information to the effect that deceased was having ₹ 4-5 Crores was given by the petitioner to co-accused Jagjeet Singh @ Jagga, whose bail application has already been rejected by this Court, vide order dated 07.12.2018 and he has reiterated the same on telephone by making the free hand and that voice was duly recognized by the deceased, therefore, it is the petitioner who laid the foundation for the genesis of the occurrence alleged in FIR No.352 dated 20.08.2018, which is the real cause of abetment for committing suicide.

This is a matter of record that FIR No.352 dated 20.08.2018 was registered against the petitioner as well as other co-accused at Police Station

City Mandi Dabwali, Sirsa by the deceased himself and allegations therein are that deceased attempted to commit suicide while consuming some poisonous substance, but was saved as he had taken timely taken to the General Hospital, Sirsa and when regained consciousness, his statement was recorded in the Hospital by the police, naming the petitioner, co-accused Jagjeet Singh @ Jagga and Rishi Gupta along with three unknown persons.

The concession of pre-arrest bail is not to be granted in a routine manner until and unless the parameters laid down under Section 438 Cr.P.C. is fulfilled by the person. Undisputedly, the petitioner is the accused in FIR No.352 dated 20.08.2018 and running away from joining the investigation as his arrest warrants were issued, which shows that the petitioner is not a law abiding citizen. The allegations against the petitioner are serious in nature, therefore, his custodial interrogation is very much necessary to unearth the actual genesis that led to commission of suicide by the deceased. As a result of the above discussion, no case for grant of anticipatory bail is made out.

Accordingly, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on the merits of the case.

December 20, 2018

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes