

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

CRM-M No.2305 of 2019 (O&M)

Date of decision : 05.02.2019

Rekha and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.P.Sharma, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Ashish Yadav, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to petitioners under Section 438 Cr.P.C. in case FIR No.420 dated 11.12.2018 registered under Sections 306/34 IPC at Police Station Rajendra Park, Gurugram.

The allegations in the FIR were that the son of the complainant was married to petitioner No.1 and because of her bad character he was constrained to live away from her but she and her father-petitioner No.2 were harassing him so much that he had no option but to commit suicide.

Counsel for the petitioners has argued that the custodial interrogation of the petitioners is not required and consequently they should be released on bail.

On the other hand counsel for the complainant and the Deputy

deceased had sent a video in which he had clearly and unequivocally mentioned that he was forced to commit suicide because of the acts of omission and commission of his in-laws and looking at the gravity of the offense this is not a case where anticipatory bail should be granted.

In my considered opinion, before finding the petitioners guilty the prosecution would have to prove that, firstly the petitioners were harassing the deceased with a view to compel him to commit suicide and secondly, that due to their harassment he was facing such compelling circumstances that he had no option but to commit suicide. In case the prosecution is able to prove these two things the petitioners would be liable to suffer whatever the decision may be imposed on them but as of at present, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners. Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 12.02.2019 and on any other date as and when their presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

05.02.2019
Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No