

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10041-2019 (O&M)
Date of Decision:-25.11.2019

Mohit alias Mogli

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Mr. Deepak Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.64 dated 12.2.2019 at Police Station Yamuna Nagar City, District Yamuna Nagar under Section 306 of Indian Penal Code.
2. The FIR was lodged at the instance of Raj Kumar, wherein it has been alleged that his daughter Kavita was studying in B.A., Final Year. On 12.2.2019 at about 01:00 P.M. a telephone call was received by the complainant from telephone No.74194-88857 and he recognised the voice of the caller to be that of Mohit @ Mogli son of Aman Ex-Sarpanch of the village, who informed the complainant that his daughter had consumed poison and was admitted in Masih Hospital. Upon receipt of the said

information, the complainant alongwith his wife reached the said hospital from where he came to know that she had been taken to Santosh Hospital and where he met his daughter, who told the complainant and his wife that Mohit @ Mogli had been harassing her since long and on account of which she had consumed poison. Since the condition of complainant's daughter was deteriorating, he took her to Civil Hospital, Yamuna Nagar from where she was referred to PGI, Chandigarh. However, the complainant took his daughter to Gaba Hospital, Yamuna Nagar where she breathed her last. The complainant has alleged that his daughter had consumed poison being fed up with the harassment being met out at the hands of Mohit @ Mogli (petitioner).

3. It is the case of prosecution that the deceased had left a suicide note holding the petitioner responsible for her death, although the same is not bearing any signatures of the deceased.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is infact a case where the deceased was in some kind of 'one sided love' with the petitioner, whereas the petitioner had never entertained any such ideas and had never encouraged the deceased in this regard. The learned counsel has submitted that the deceased perhaps took the disinterest on the part of the petitioner in the deceased as a rejection which she could not tolerate and committed suicide on her own without being abetted in any manner by the petitioner. The learned counsel has further submitted that no reliance can be placed upon the alleged suicide note, which does not even bear the signatures of the deceased.

5. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and that the suicide note also points an accusing finger towards the petitioner, no case for grant of bail is made out. It has further been informed that upon examination of the suicide note, it has been opined by the Forensic Science Laboratory that the same is in the hand of the deceased.
6. I have considered rival submissions addressed before this Court.
7. Even if the suicide note is accepted to have been written by the deceased, still a perusal of the FIR does not suggest that the petitioner had committed any such act, which could constitute 'abetment of suicide'. In order to constitute abetment, the prosecution would be required to establish some overt act on part of the petitioner, which can be held to be sufficient to prompt or goad the deceased to take the drastic step of ending her life. The petitioner, in any case, is said to have joined investigation.
8. Having regard to the facts and circumstances of the case, this Court is of the opinion that the facts do not warrant custodial interrogation of the petitioner. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 5.3.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No