

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

(I)

CRM-M-36667-2018
Date of Decision: 21.8.2019

ANSHUMAN ALIAS ANSHU @ AJAY

.....Petitioner

Versus

STATE OF HARYANA & ANOTHER

.....Respondent

(II)

CRM-M-47505-2018

ANKUSH @ RAKSHAK

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunil Saharan, Advocate for
Mr. Mohit Garg, Advocate
for the petitioners in CRM-M-36667-2018.

Mr. Himmat Singh Deol, Advocate
for the petitioner in CRM-M-47505-2018.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana in
both the cases.

Mr. Jagmohan Ghuman, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of Anshuman @ Anshu @ Ajay and Ankush @ Rakshak seeking anticipatory bail in respect of FIR registered against them vide FIR No.167 dated 26.7.2018 under Sections 306/34 IPC, Police Station Bajghera, Gurgaon.
2. The FIR was lodged at the instance of Hemraj father of deceased Garima wherein it has been alleged that he lives along with his brothers in joint house. It is alleged that on 4.7.2018 at 9:00 a.m. his daughter Garima committed suicide by hanging herself with the help of a 'Dupatta'. It is alleged that upon inquiry it had been revealed that Garima had committed suicide as she was disturbed on account of conduct of his brother-in-law's son namely Ankush and his friend Anshuman @ Anshu who had forced his daughter to commit suicide. It is further alleged that even the messages on the mobile phone would affirm the suspicion.
3. Learned counsel for the petitioners have submitted that the FIR does not show the involvement of accused inasmuch it simply discloses that Garima has committed suicide and that it was the accused who had forced her to commit without mentioning or describing details of the same. Learned counsel for the petitioners have further submitted that in fact a suicide note allegedly recovered by the police (Annexure P-2) would show that there is not even a word against the present petitioners. The learned counsel for the accused Ankush @ Rakshak has further submitted that in any case the allegations are mainly against co-accused Anshuman and that during investigation it has been revealed that the petitioner

Ankush @ Rakshak was just trying to resolve some minor dispute which had arisen between the deceased and co-petitioner Anshuman.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that during investigation it had been found that accused-Anshuman was having love-affair with several girls and that he had also clicked pictures. Learned counsel has further submitted that the messages collected from WhatsApp conversation also revealed that the deceased in her last message expressed her intention to commit suicide. It has further been submitted that the alleged suicide note annexed with the petition is in fact not a genuine suicide note as the same has been found not to have been written by the deceased.
5. I have considered rival contentions addressed before this Court. Although the evidence collected by the police would show that the deceased was probably in relationship with petitioner-Anshuman, but at this stage there is nothing strong enough to show that the petitioners have abetted the commission of suicide. The petitioners have already joined investigation pursuant to interim directions issued by the Court and the phones belonging to the accused are stated to have been recovered by the police. In these circumstances it is not a case warranting custodial interrogation. The petitions, as such are accepted and interim directions issued vide order dated 04.09.2018 passed in CRM-M-36667-2018 and order dated 26.10.2018 passed in CRM-M-47505-2018 are made absolute subject to the condition that the petitioners would appear before Investigating Officer 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.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

21.8.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No