

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-42781 of 2019 (O&M)

Date of Decision: 18.12.2019

Ravinder

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manoj Pundir, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, who is 20 years of age, in case FIR No.227 dated 07.08.2019 under Section 306 IPC registered at Police Station Chappar, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that after registration of the aforesaid FIR, the offences under Sections 354 and 354-D IPC and Section 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have also been added in the present FIR. Therefore, the present petition is to be considered for grant of regular bail in FIR No.227 dated 07.08.2019 under Sections 306, 354 and

354-D IPC and Section 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Chappar, District Yamuna Nagar.

Accordingly, CRM-35518-2019 is allowed, as prayed.

Registry is directed to carry out the necessary correction in the head note.

The aforesaid FIR was registered at the behest of Neeraj, who is brother of the deceased Raj Dulari. The marriage of the deceased Raj Dulari was solemnised with Karan Singh about 15 years back and two children were born out of this marriage. On 07.08.2019, at about 2-00 P.M., the complainant received a telephonic call from his niece Payal, whereby he (complainant) was informed that Raj Dulari has hanged herself with the ceiling fan. It has been alleged in the FIR that the petitioner, who is from same village where the deceased was married, used to harass the deceased so as to establish illicit relations with her and he also used to beat her. This fact was told to the complainant by the deceased. The complainant and his wife had even gone to the petitioner to make him understand and to mend his ways. Even three days prior to her death, the petitioner was made to understand in this regard in the presence of one Baldev s/o Jee Ram, but he did not mend his ways. Having been harassed by the petitioner, the deceased Raj Dulari hanged herself with the ceiling fan of her room on 07.08.2019 at 1-00/2-00 P.M.

Learned counsel for the petitioner has argued that the petitioner is in custody since 07.08.2019 and the deceased has died because of hanging. The allegation of abetment to commit suicide is not sustainable

on the mere allegation of harassment, without there being any positive action proximate to the time of occurrence on the part of the accused, which led or compelled the deceased to commit suicide. In order to bring a case within the purview of Section 306 IPC, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide, must have played an active role by an act of instigation or by doing certain act to facilitate commission of suicide. He has placed reliance upon a judgment of Apex Court in the case of **Rajesh Vs. State of Haryana** passed in Criminal Appeal No.93 of 2019 arising out of SLP (Crl.) No.8667-2016 in support of his case.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that there are serious allegations that the petitioner used to harass the deceased, who was married. He was insisting her to develop illicit relations with him. In such circumstances, the deceased was left with no other alternative but to take such an extreme step of commission of suicide.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 07.08.2019. Having recourse to the judgment in the case of **Rajesh** (*supra*), this Court finds that the role played by the petitioner so as to instigate the deceased to take such an extreme step to commit suicide is yet to be considered during trial and the trial in the case is not likely to be concluded in near future, therefore, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observation made hereinabove shall not be construed as an expression on the merits of the case.

December 18, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No