

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-48576 of 2019

Date of decision:4.12.2019

Abdul Shahid

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.R.S.Rai,Sr.Advocate, with
Mr.Gautam Dutt, Advocate,
for the petitioner
Mr.Navdeep Singh, AAG, Haryana
Mr.Dinesh Arora, Advocate,
for the complainant
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks the concession of bail in terms of Section 439 of the Cr.P.C.

At the outset, Mr. Dinesh Arora, Advocate, has appeared for the complainant and has filed a power of attorney, which is ordered to be taken on record.

Mr.Rai, learned Senior Counsel appearing for the petitioner, submits that the petitioner, admittedly, even as per the case of the complainant, i.e. the son of the deceased, last met the deceased on 9.8.2019, with the deceased having committed suicide on 14.8.2019, i.e. 5 days later, and with the deceased very obviously being a Deputy Commissioner of Police (of the rank of Superintendent of Police), with the petitioner being an Inspector, i.e. much below in hierarchy to the DCP (who was also stated to

be an IPS officer), therefore the question of the petitioner putting pressure upon him to commit suicide on account of any blackmailing because of a particular case not being handled in a particular manner, would not sound logical at all, even though in the suicide note he has been specifically named by the deceased.

Learned State counsel and learned counsel for the complainant both submit that as per the investigation carried out, with the report under Section 173(2) of the Cr.P.C. having already been submitted to the competent Court, it has been found that the deceased was being pressurized by the petitioner, which eventually led him to commit suicide.

They further submit that the pressure being put upon the deceased by the petitioner was that if he did not exonerate the petitioners' nephew in a particular case, he would make his 'lady friend' make false allegations against the DCP.

They have further submitted that with the Inspector visiting the DCP time and again, as has been established from mobile phone calls through WhatsApp and through CCTV footage, it was very obvious that he committed suicide because of that, as has been stated in the suicide note which reads to the following effect:-

“I am doing this due to Abdul”.

With the reverse side thereof stating as follows:-

“Abdul (illegible). He was blackmailing-Vikram.”

They therefore submit that the petitioner does not deserve the concession of bail, with the charges still to be framed and the complainant still to testify.

Mr.Rai, on the other hand, again reiterates that the DCP obviously being an officer superior to the petitioner, and not vice-versa, there would be no cause for him to succumb to any kind of pressure and that even as per the report under Section 173(2) of the Cr.P.C. itself, it has been written as follows:-

“A letter for CDR has also been written to Whatsapp and statement of nephew of Sh.Vikram Kapoor namely Baljinder Katyal has also been recorded separately U/s 161 Cr.P.C.”

He therefore submits that other than the aforesaid evidence and the CCTV footage stated to have been obtained on 7.8.2019, 8.8.2019 and 9.8.2019, there is nothing to link the petitioner to the suicide.

Having considered the matter in the light of the aforesaid contentions raised and in the light of what is shown to be stated in the report under Section 173 (2) of the Cr.P.C., seeing that it is a case of suicide (and alleged abetment to suicide), but keeping in view the fact that the complainant is still to testify, the trial Court is directed that upon framing of charges on the next date of hearing before it, i.e. 10.12.2019, it would summon the complainant, i.e. the son of the deceased, his wife and his nephew, Baljinder Katyal, with it to be ensured that the complainant, i.e. the son of the deceased, is positively examined at the earliest, and thereafter, after his cross-examination has also concluded, the petitioner would be admitted to bail to the satisfaction of that Court.

It is also clarified that if the complainant does not appear to testify, except on a very genuine medical reason to be duly established by the trial Court, the petitioner would then also be entitled to bail and would

be admitted to such bail by the trial Court, he having been in custody for more than 3 months now and it being a case pertaining to alleged abetment of suicide.

However, if due to any genuine medical reason the complainant is unable to appear, the trial Court would give a very reasonable date and thereafter, upon his testimony being recorded, including his cross-examination, the petitioner would be admitted to bail, as directed above.

It is necessary to be stated here that no further observation is being made in this case in the light of detailed arguments raised on both sides, lest that should influence the outcome of the trial, with in fact all observations made hereinabove being in the context of this petition by which the petitioner is seeking to be admitted to bail. Naturally, the learned trial Court would come to its own conclusion as regards the merits of the case, wholly on the basis of the evidence led before it.

The petition is disposed of accordingly.

4.12.2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No