

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

CRM-M-11394-2020

Date of decision:-27.7.2020

Rajpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Onkar Rai, Advocate for the petitioner.

Mr.Karan Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Rajpal, aged about 65 years, an accused in FIR No.0625 dated 21.12.2019 for the offences under Sections 306 and 34 IPC, registered with Police Station Faridabad Kotwali, District Faridabad

Briefly stated, the facts of the case as per the prosecution story are that, criminal machinery in this case was set into motion by complainant Suman wife of Tirath Pal, resident of House No.380, Parwatia Colony, Police Station Saran, District Faridabad, aged about 36

years, who in her statement got recorded with the police stated that her husband Tirath Pal was a RMP doctor and had opened a clinic in the name of Ankit Clinic near his house; her husband had purchased a house from his brother Surinder Pal through his brother in law, namely, Rajpal and paid the full payment of Rs.7 lakhs to Surinder Pal, however, despite making all the payment Surinder Pal had not got the sale deed executed and registered in favour of Tirath Pal and had not vacated the house; as a matter of fact Surinder Pal along with Rajpal were demanding Rs.3,50,000/- more from her husband threatening that in case such payment was not made then the house would be sold to some other person; some quarrels had also taken place between them for the said reason; resultantly Tirath Pal used to remain depressed and he had consumed poisonous substance; he was admitted in B.K. Hospital and thereafter to Metro Hospital, Faridabad, where he had expired. A suicide note was recovered from mobile phone cover of Tirath Pal, in which Tirath Pal had held Surinder Pal and Rajpal to be responsible for his death.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Faridabad vide order dated 12.3.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Karan Sharma, AAG, Haryana has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent - State.

I have heard learned counsel for the parties besides going

through the records.

In this case Tirath Pal had not died a natural death rather committed suicide leaving a suicide note in which he has clearly blamed the present petitioner Rajpal, who is none else but his brother-in-law and his brother Surinder Pal for driving him to take the extreme step. Copy of that suicide note has been placed on record as Annexure P-1.

Learned counsel for the petitioner has stated that no offence of abetment is made out and authenticity of the suicide note is yet to be established. He has referred to various judgments i.e. *Sanju @ Sanjay Singh Sengar Versus State of Madhya Pradesh, 2002(2) RCR(Criminal) 687, Rekha Versus State of Haryana, 2019(2) Law Herald 1714, Jagdeep Kaur Versus State of Punjab, 2013 (4) RCR(Criminal)1013, ATV Damodaran & Anr. Versus State of Kerala & Anr., 2018(2) Cri.CC 292*. But those do not find application to the present case due to different facts and circumstances and the context in which such observations had been made. In the FIR got recorded by the complainant Suman, who is none else but wife of the deceased, it has been categorically mentioned that Surinder Pal and Rajpal (present petitioner) are responsible for death of her husband. In the suicide note left by the deceased, he has also blamed the two of them mentioning that they had harassed him mentally and economically and for the said reason, he was committing suicide. Therefore, offence of abetment to suicide by the present petitioner and his co-accused comes out to be there. Though only during the trial guilt of the accused shall be determined but at this stage the petitioner is not found entitled to discretionary and equitable relief of pre arrest bail, which is to

be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to unfold the complete story. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

27.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No