

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

**CRM-M No.18963 of 2020
Date of Decision : 29.07.2020**

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Sant Pal S. Sidhu, Advocate
for the Petitioner.

Mr. Amit Aggarwal, Dy. Advocate General, Haryana
for the Respondent/State.

Mr. Yash Dev Kaushik, Advocate
for the Complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail in case FIR No.55, dated 27th January, 2020, registered under Sections 306, 506 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Sector-31, District Faridabad.

2. Reply/Status Report on behalf of the Respondent/State by way of Affidavit of Assistant Commissioner of Police, Sarai, District Faridabad, along with Documents (Annexures R-1 to R-5) has been sent up through e-mail, today; Be kept on record.

3. This matter had been heard extensively on the last date (16th July, 2020). It was specifically noted in the previous order that the Suicide

Note left behind by the deceased, had named four persons as “the gang” of culprits. But apart from the Petitioner, the other three culprits specifically named in the Suicide Note, i.e., Goldy, Sipla and Mahendri were found to be innocent by the Police Authorities after inquiry/investigation.

4. This Court, therefore, observed *inter alia* -

“To this Court, it is not clear how the standing of the present Petitioner is on a different footing from those already found innocent when all four were mentioned as the culprits in the Suicide Note. It is also not clear as to what is the positive act, representation or instigation imputable to the Petitioner, which could have resulted in compelling the deceased to resort to committing suicide, nor is it clear when such instigation, if at all, did take place since the Suicide Note itself is found to be undated.

Faced with this, Ld. Counsel for the State as well as the Complainant seek a short adjournment of proceedings to satisfy this Court that sufficient ingredients exist to the effect that there was any actual act of instigation on the part of the Petitioner or for that matter, any other of the culprits named in the Suicide Note, shortly before the deceased allegedly consumed poisonous substance, which would render them liable under Section 306 of the IPC.”

5. But in the Reply/Status Report filed on behalf of the State today, there is clearly no indication whatsoever of any material to the effect that there was any actual act of instigation on the part of the Petitioner or any other person, which could have induced the deceased to kill himself, and even the Suicide Note so recovered, does not mention about any threat or other act which impelled the Author to resort to such an extreme step.

6. In such circumstances, this Court is inclined to grant the relief of Anticipatory Bail to the Petitioner for want of any tangible material which could substantiate the alleged theory of Complainant about the Victim having been “instigated” or otherwise forced to commit suicide at any reasonably short period of time before he consumed the poisonous substance.

7. Consequently, the interim protection granted to the Petitioner on the last date is hereby made absolute.

8. Accordingly, in the event of arrest, the Petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (Challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C.. Thereafter, the Petitioner will be permitted to furnish bail bonds to the satisfaction of the Ld. Trial Court.

9. Disposed off.

July 29, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No