

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

201(1)

CRM-M-19585-2020(O&M)

Date of Order:24.08.2020

NEHA VERMA AND OTHERS

..Petitioners

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.L.Verma, Advocate,
for the petitioners.
Mr. Chetan Sharma, AAG, Haryana
Mr. Vikas Chaudhary, Advocate,
for the complainant.

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 06.08.2020, the following order was passed:-

“This order be read in CRM-M-20067-2020 and CRM-M-19585-2020.

The widow and sister-in-law of late Sh. Lovish Goel, who is alleged to have committed suicide on 19.06.2020, have filed applications for grant of pre-arrest bail.

In brief, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Fast Track Court, Gurugram, in para 3 of the order dated 10.07.2020, which is extracted as under:-

3. In brief, the prosecution case is that on 19.6.2020, upon receiving a telephonic information from Forties Hospital, Gurugram regarding bringing of one Lavish Goel son of Nand Kishore resident of Patel Nagar, Gurugram as “brought dead”, Naresh, ASI reached the hospital and obtained medical ruqqa alongwith analysis of deceased. Thereafter, he met the family members of deceased who requested for sometime for giving application as Corona Test Report was still awaited. Subsequently, on 20.6.2020, the complainant came present in the police station and presented an application with allegations that “ his elder brother Lavish used to run shop of mobile under the name and style of “ Mobile

Studio” in Patel Nagar, Gurugram. On previous evening, at about 6.15 p.m., Lavish left after informing that he was going to market. After 10 minutes of his leaving, when he made a telephonic call to Lavish, he did not answer the call. He tried to call Lavish time and again but his phone was switched off after first call. Lavish was mentally disturbed for the last several days because of his wife Jaya as she used to be under the influence of her sister Neha and parents as well as her Jija. She was harassing Lavish because of instigation of her family member and his brother Lavish had committed suicide by hanging, being fed up due to harassment meted out to him by his wife because of her tenants and other family members. Hence, a prayer was made for taking suitable action against the culprits”. On this application, formal FIR was registered. Investigation was conducted by Naresh, ASI. Inquest proceedings were concluded under Section 174 Cr.P.C. Postmortem over the dead body of deceased Lavish was got conducted. Statements of concerned witnesses were recorded and the place of occurrence was inspected. During investigation, mobile phone and diary of deceased were taken into police possession from the complainant.”

Learned counsel for the petitioner contends that from bare reading of the FIR, no case under Section 306 of the Indian Penal Code is made out as ingredients of offence as defined in Section 107 IPC are missing.

On the other hand, Mr. Vikas Chaudhary, Advocate, has appeared for the first informant and has opposed the prayer for grant of pre-arrest bail.

It is not in dispute that the alleged diary which the deceased used to write is already in the possession of the police.

Keeping in view the aforesaid facts, let the petitioners join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the other connected file.”

Learned counsel appearing for the State, on instructions from

ASI Naresh, has submitted that the petitioners have joined the investigation,

cooperated and are not required for further custodial interrogation.

Keeping in view the aforesaid facts, the interim order dated 06.08.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

August 24, 2020
nt

(ANIL KSHETARPAL)
JUDGE

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