

201

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

**CRM-M-32295-2020
Date of Decision: 02.11.2020**

Rasna

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Gautam Dutt, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure by the petitioner, seeking anticipatory bail in case FIR No.129 dated 22.09.2020, under Section 302 of the Indian Penal Code, registered at Police Station Sadar Rewari, District Rewari.

2. Reply filed by Ld. State Counsel, through e-mail, by way of an Affidavit of the Deputy Superintendent of Police, Rewari, District Rewari, along with copies of the DD Entry No.19, dated 17.09.2020 (Annexure R-1), in compliance of the last order. Post Mortem Report of the deceased (Annexure R-3) is also filed along with the Reply; Be taken on record.

3. Heard Ld. Counsel for the parties. FIR was drawn up on the

complaint of Sher Singh, father of deceased Laxman Singh, on 22.09.2020. It may be mentioned that an Unnatural Death case, concerning the matter, had already been started by way of the DD Entry No.19, dated 17.09.2020 (Annexure R-1), on the basis of information given by the complainant himself. However, in the formal complaint, submitted five days later, the complainant mentioned that he had not referred to all the facts in his original communication as he was mentally upset due to the sudden death of his son. Comparison of the contents of DDR and FIR do not disclose any major contradiction regarding the facts and circumstances in which death of the complainant's son came to be known to him in the morning of 17.09.2020.

4. It has been sought to be made out on behalf of the petitioner that death of the victim was not by any full fledged actual hanging, but only by a partial one, since his body was found to be lying on the bed. It has also been submitted that the deceased was a habitual drinker, and had taken an excessive amount of liquor on the relevant night and was also suffering from depression, after he had allegedly learnt from some Medical Examination held in the Month of June, 2020, to the effect that his wife was unable to conceive, since his own Sperm Motile Strength was low, and for that reason, he appears to have killed himself, particularly in view of the fact that no wound, bruise or injury except for the ligature marks on his neck, were found on his body.

5. In the opinion of this Court, it would be too pre-mature at this stage to speculate on the actual circumstances in which death of the victim occurred. There is no denial that the petitioner, who is the wife of the said deceased, had remained with him in the room on the fateful night, and also appears to have been present when his body was discovered. Furthermore,

when it is the own case of the petitioner that the deceased had consumed an exceptional high quantity of liquor on the relevant night (as specifically mentioned in Para No.4 of the Petition), it would appear that not much effort or scuffling would occur if his death was caused *ex-facie* by way of strangulation or hanging in any form, since having been highly drunk, he was likely to be in a state of high sedation, and it is doubtful if at all there could have been any scuffle, in case there was an attempt to strangle him, and so the non-existence of any injury or bruise marks on rest of his body would not necessarily appear to be inexplicable. Again, if the deceased strangled himself out of the depression as claimed, it is again doubtful if he could or have had so much strength while being so heavily drunk/sedated, as to strangle himself in a lying position on the bed.

6. For the aforesaid reasons, considering the over all circumstances and especially the fact that it was the petitioner, who had remained with the deceased throughout the night till his death was discovered in the morning, this does not appear to be a fit case to grant the extra-ordinary relief of anticipatory bail to the petitioner, at this early stage of investigation.

7. Dismissed.

02.11.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No