

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

CRM-M-35028-2019 (O&M)

Date of Decision: 06.01.2020

Satish Kumar

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurinder Pal Singh, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

Mr. Surjeet Singh, Advocate for
Mr. Dinesh Arora, Advocate for the complainant.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.384 dated 14.08.2019, under Sections 306/34 of the Indian Penal Code, registered at Police Station Sector 31, Faridabad, Haryana. The petitioner apprehends his arrest at the hands of Police.

Perusal of the interim order dated 04.09.2019, reveals that the interim protection was extended to the petitioner. The said order reads as under:

“By this petition, the petitioner seeks the concession of anticipatory bail upon his having been arraigned as an accused in the FIR as one of the accused along with one Abdul (at that time the SHO, Police Station Bhupani, Faridabad), for the suicide stated to have been committed by the Deputy Commissioner of Police, NIT, Faridabad, on 14.08.2019, with him having left behind a suicide note.

Mr. GP Singh, learned counsel for the petitioner, submits that very obviously, the petitioner, Satish Kumar, is not named in the said note to be the person responsible on whose account the DCP was committing suicide.

He submits that he has been subsequently named in the FIR only because he is a journalist who was publishing articles against police officers and consequently, the petitioner deserves the concession of anticipatory bail.

Learned counsel for the State, as also counsel for the complainant, on the other hand today, have produced in Court a newspaper dated 23.06.2019 to 29.06.2019 (Mazdoor Morcha, stated to be a weekly publication), and a note, that is stated to be the original suicide note, from the police file, which has been in fact handed over by Sub-Inspector Satish Kumar of the Crime Branch, Faridabad, from person to person right up to this Bench, thereby adding God knows how many fingers on it, without it having been subjected to forensic examination.

The said note reads as follows:-

“I am doing this due to ab dul”, with the reverse side thereof stating as follows:-

“Abdul (illegible) He was blackmailing-Vikram”

Learned State counsel has also produced in Court today a print out of what is stated to be call details of conversations between the aforesaid Abdul and the petitioner between June 25, 2019 to June 29, 2019, shown to be phone calls for various durations ranging from 10 seconds to 376 seconds.

Learned counsel for the complainant has also submitted that two other FIRs were instituted against the petitioner on account of false publication or for extortion under threat of defamation by publication, though in one of them, as per his instructions, a cancellation report has been filed.

Learned State counsel also submits that in fact 8 FIRs were registered against the petitioner for the commission of various offences ranging from those punishable under Sections 332, 353, 186 and 420, 467 etc. of the IPC to even on under Sections 302/364 and 201 of the IPC, though in 7 of the 8 cases, including the one alleging therein the commission of an offence punishable under Section 302 of the IPC, he has been acquitted.

In rebuttal, Mr. GP Singh submits that the suicide having been committed on August 14, 2019, with the said phone

calls between the SHO and the petitioner, a journalist, being of June 2019, with the petitioner not having been named in the suicide note, the said calls would have no bearing on the actual case.

As regards the 8 FIRs filed against the petitioner, Mr. G.P. Singh submits that in 2 cases the petitioner was in fact discharged by the trial court at the initial stage itself, in 2 cases he was acquitted, whereas in 2 cases the police itself had filed a cancellation report; though in one case he was convicted for the commission of offences punishable under Sections 467, 468 and 471 etc. of the IPC. As per his instructions one case remains pending before the competent court, though even in that case the police had actually filed a cancellation report.

He reiterates therefore, that it is simply because the petitioner is “inconvenient to the establishment”, that he has been roped in as an accused, without the deceased having named him in the suicide note.

Having considered the matter, without making any comment on the actual merits of the case for or against the petitioner, even keeping in view also the fact that he has been involved in other criminal cases, yet, with the deceased himself having named only a single person in the suicide note, (as is not denied by the learned counsel for the State on instructions from Sub-Inspector Satish Kumar), but with the suicide note yet to be subjected to forensic examination, with one word on it being not fully legible, the petitioner is entitled to concession of anticipatory bail at this stage, in my opinion.

Let notice of motion be issued to the respondent, returnable on 04.10.2019.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

On 1.11.2019, it was submitted by learned State counsel that petitioner was still to undergo a polygraph test.

Today it has been stated by learned State counsel, on instructions of SI Satish Kumar, who is present in person, that polygraph test has been conducted and the petitioner has joined the investigation and is not further required for custodial interrogation. It has not been disputed that petitioner was not even named in the suicide note.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.09.2019 is made absolute. The petitioner shall comply with the provisions of Section 438(2) Cr.P.C.

The petition stands allowed.

06.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No