

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

CRM-M-2139-2021 (O&M)

Date of decision: 15.01.2021

Rakesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. S.K. Virk, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Rakesh Kumar, an accused in FIR No.254 dated 19.12.2020, for offences under Sections 306 and 34 of IPC, registered with Police Station Division No.2, District Pathankot.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab, accepts notice on behalf of the respondent-State.

Briefly stated facts of the case as per prosecution version are that, FIR in question was got recorded by Karan Kumar son of Parkash Chand, resident of H.No.68, near Ajay Kariana Store, Bajri Company, Pathankot, aged about 24 years, who in the statement made

by him to the police stated that his elder brother Sunny Kumar, who was aged about 32 years, was married with Alka daughter of Ruldum, resident of Kadri Mohalla, Gurdaspur about 11 years earlier and the couple was having two sons, elder being Shiv, aged about 10 years and younger being Shravan, aged about 08 years; that Alka had illicit relations with Rakesh Kumar (present petitioner) resident of Gurdaspur, as a result of which, Sunny Kumar used to remain upset; Alka left the matrimonial home along with children on 11.12.2020 at about 2.30 PM and she did not return; Sunny Kumar had a strong belief that Alka had eloped with petitioner Rakesh Kumar; Sunny Kumar went to the house of his in-laws, where he was abused by his mother in-law Usha Devi; fed up with the situation, Sunny Kumar consumed poison on 17.12.2020 at about 12.30 PM and became unconscious; he was taken to Civil Hospital, Pathankot, however, keeping in view his serious condition, he was referred to Guru Nanak Dev Hospital, Amritsar, where Sunny Kumar died on 18.12.2020 at 1.00 PM; according to the complainant, Sunny Kumar had ended his life since Alka had eloped with petitioner Rakesh Kumar on account of having illicit relations with him; after registration of the FIR, investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had filed a petition for grant of pre-arrest bail before the Court of Sessions at Pathankot. His such petition was assigned to Addl. Sessions Judge, Pathankot, who vide order dated 08.01.2021, dismissed the same.

Feeling aggrieved, the petitioner has approached this Court, craving for grant of that very relief, by filing the petition in hand. His such prayer is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious that he was having illicit relations with Alka, wife of the deceased, on account of which Alka had eloped with him. Resultantly, the deceased felt upset and perturbed and took extreme step of ending his life by consuming poison. The custodial interrogation of the petitioner is required for complete and effective investigation and in case, the same is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for. Thus, keeping in view the gravity and seriousness of the allegations and necessity of custodial interrogation of the petitioner, he is not entitled to grant of discretionary equitable relief of pre-arrest bail. The petition is doomed for failure and is dismissed accordingly.

15.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No