

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203)

CRM-M-8591 of 2021

Date of Decision: 25.03.2021

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Jitender Nara, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On 24.02.2021, the following order had been passed:

“By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 07 having been registered at Police Station Dujana, District Jhajjar, on 22.12.2018, alleging therein the commission of offences punishable under the provisions of Sections 306/34 of the IPC.

Learned counsel for the petitioner submits that, firstly, the deceased, even as per the FIR, was stated to be a truck driver and therefore it would not be understood as to how he came by so much money to lend different people, the allegation being that the petitioner had borrowed Rs. 4,80,000/- from him (as observed in the order of the learned Additional Sessions Judge, Jhajjar, dated 04.02.2021).

He next submits that even if that is to be accepted at face value (though denied), there is no allegation that the petitioner ever actually harassed the deceased or threatened him on any demand of such money being made from him, and in fact one of the co-accused, namely Bijender, has been found to be innocent by the police itself.

Notice of motion.

On the asking of the court, Mr. Surender Singh, A.A.G., Haryana,

accepts notice on behalf of the respondent-State.

A copy of the petition be handed over/mailed to him by learned counsel for the petitioner today itself.

He submits that as per instructions from SI Dharamvir, the suicide note also names the petitioner as one of the persons who took money from the deceased, due to which the deceased committed suicide, and therefore he does not deserve the concession of anticipatory bail.

Having considered the matter, in view of what has been contended by learned counsel for the petitioner, without obviously making any final comment on that question, (i.e. the deceased being a truck driver who was unlikely to have so much money to lend different people), and so far at least nothing having been pointed out that the petitioner had harassed the deceased, the petitioner is directed to join investigation within one week, and in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 25.03.2021.

It is made absolutely clear that the observation made by this court hereinabove is only in the context of this petition by which the petitioner seeking to be admitted to bail under the provisions of Section 438 of the Cr.P.C. and will not to be taken an observation on the actual merits of the case, in any manner. Further, if the suicide note actually discloses specific

harassment, this petition would be liable to be dismissed.

A gazetted officer is directed to file a reply to the petition.”

Today, learned State counsel, on instructions ASI Rakesh Kumar, submits that the petitioner in this petition has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

25.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No