

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31765-2020 (O&M)
Date of Decision:-19.1.2021

Tarun

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Ashok Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.103 dated 1.5.2020 at Police Station Sadar, District Palwal under Sections 306 and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Naresh Kumar, wherein it is alleged that on 1.5.2020 when he woke up at 5:00 AM to give fodder to buffalos, he saw that his son Rahul was hanging from a hook in his house. He immediately called his wife and his other son and cut the rope and took Rahul to hospital where he was declared dead. The complainant alleged that

he came to know that a few days back a video had gone viral in which the names of Manu and Tarun surfaced. It is alleged that in the said video 3-4 boys were giving beatings and on account of which his son became depressed and committed suicide.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been nominated as an accused in the instant case and that there is no credible evidence to show that he had any role to play in the suicide allegedly committed by the deceased.
4. Opposing the petition, learned State counsel has submitted that during the course of investigation it had surfaced that the petitioner alongwith Manu and others had given beatings to deceased Rahul at a tubewell and which had been videographed and the said video had been sent on social media, which led to embarrassment to the deceased, who became tense and thus was constrained to commit suicide.
5. I have considered rival submissions addressed before this Court.
6. No doubt, during the investigation it has surfaced that the petitioner is shown to be given beatings to the deceased alongwith other accused. However, upon a query put to learned State counsel as to whether the Investigating Officer has tried to find out the source of the social media i.e. as to who had made the video viral, the learned State counsel could not furnish information in this regard.
7. Having regard to the facts and the totality of the circumstances, it will be debatable as to whether the petitioner indeed can be said to have abetted the suicide by the deceased. Pursuant to interim directions issued on 28.10.2020, the petitioner is stated to have joined investigation. In these circumstances,

this Court does not find the instant case to be a case warranting custodial interrogation especially when the petitioner has already joined investigation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 28.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No