

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

CRM-M-28509-2019 (O&M)
Date of Decision:- 1.9.2021

Rohit Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parveen Sharma, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Satish 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 against him vide FIR No. 161, dated 1.6.2019, Police Station Sadar, District Jind, under Sections 306, 34 IPC.
2. The FIR was lodged at the instance of Naveen wherein it is alleged that his father is an agriculturist and on 30.5.2019, when his father had gone to fields, Rohit and Bantu quarreled with his father and gave slaps and fist blows to his father and Rohit also gave a blow with bangle worn by him on head of his father. The complainant's father however, managed to rescue himself and returned back home.

Later, when the complainant, his mother and sister went to the house of Bantu to ask him about the reason of scuffle, then Bantu, Rajesh and Neeraj and Kashmir scuffled with them and thereafter they returned back home. It is alleged that on 1.6.2019, the complainant's father left his house at about 8 am and returned back at 9 am and disclosed that he was feeling ashamed and harassed on account of beatings given by Rohit and Bantu, and that he had consumed poison. It is alleged that although complainant's father was taken to hospital, but he could not be saved.

3. Learned counsel for the petitioner has submitted that it is a case where the family of the deceased has suicidal tendencies and three of the brothers of deceased had earlier committed suicide. It has further been submitted that in any case even if the FIR is taken to be correct, still the allegations levelled therein cannot be said to be any such conduct on part of the petitioner which could be construed to be abetment on his part to make the deceased end his life. Learned counsel has further submitted that in any case, no injury was found on the person of the deceased which would negative the allegations made in the FIR regarding causing of injuries.
4. Opposing the petition, learned State counsel has submitted that in view of the serious nature of allegations levelled in the FIR, no case for grant of anticipatory bail is made out. Learned State counsel has however, not disputed the fact that three of the brothers of the deceased had committed suicide which would necessarily indicate that there is some kind of suicidal tendency in the family of the

deceased. Learned State counsel has also informed that in the post mortem and viscera report the cause of death is consumption of poison and that no injury was found on the person of the deceased. Learned State counsel has informed that pursuant to interim directions, the petitioner has joined investigation.

5. I have considered rival submissions addressed before this Court.
6. It does appear from the facts of the case that there is some kind of suicidal tendency in the family of the deceased. In any case, even if the said tendency is ignored, still this Court finds that the allegations as levelled in the FIR are not sufficient enough to constitute abetment to commit suicide. The petitioner in any case is stated to have joined investigation. The petitioner has been on interim bail since the last more than 2 years and there is nothing on record to suggest that he has misused the concession of interim bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 15.7.2019 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.

1.9.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No