

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

CRM-M-38112-2020 (O&M)

Date of Decision:- 7.4.2021

Aakash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumeet Goel, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Amarjeet Singh.

Mr. Baljeet Beniwal, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.61, dated 23.1.2020, Police Station Surajkund, Faridabad, under Section 306 IPC.
2. The FIR was lodged at the instance of Yogesh wherein he has alleged that his daughter Tanu aged about 18 ½ years went missing on 29.11.2019 and on account of which FIR No.789 dated 1.12.2019

was lodged for offence under Section 346 IPC. It is alleged that his daughter returned back on 17.12.2019 and the police had recorded her statement and had closed the case. It is alleged that on 22.1.2020 when the complainant along with his younger brother went to Noida for fixing a matrimonial match for his daughter, then he received a telephonic call from his wife that his daughter was missing. Upon receipt of said call, the complainant and his brother returned back to their village. The complainant received a telephonic call from his nephew Amit that Sattey Mahashay had informed that complainant's daughter is sitting near water tank in Village Ullahawas. The complainant's daughter was brought home and his daughter was feeling remorseful that she had spoiled complainant's reputation and that even Ullahawas people had refused to accept her and Aanku had refused to marry her. The complainant however, tried to reason out with his daughter and to pacify her. Later at about 11 pm. when the complainant went to his daughter's room, she was found hanging from the fan with the help of her chunni.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that the petitioner cannot be said to have abetted the commission of suicide by the deceased in any manner and in fact when the complainant's daughter had earlier left her home on 29.11.2019, she had left her home with some other boy as would be apparent from her statement recorded under Section 164 Cr.P.C. which was recorded on 17.12.2019 wherein the petitioner is nowhere named. It has further been

submitted that the petitioner in any case being a juvenile having been born on 10.9.2002 deserves the concession of anticipatory bail. Learned counsel in order to hammer forth his aforesaid contention has drawn the attention of this Court to the Secondary Certificate (Annexure P-4) and Aadhaar Card (Annexure P-5) of the petitioner wherein his date of birth has been recorded as 10.9.2002 which would mean that as on the date of occurrence the petitioner was less than 18 years.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the name of the petitioner specifically figures in the suicide note wherein the deceased has specifically disclosed that she was committing suicide on account of the petitioner who is referred to as Aanku and that it was the petitioner who had earlier compelled her to state falsely and on account of which he had been able to avoid any action against him. In the suicide note (Annexure R-1) the deceased has stated that she was forced to give false evidence earlier but now the said Aanku (petitioner) had refused to accept her and on account of which she was committing suicide. Learned State counsel has however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while also noticing that when the deceased had earlier left her home and upon her recovery when her statement was recorded, she had not

disclosed the name of the petitioner, it will be debatable as to whether the petitioner can be said to have abetted the commission of suicide by the petitioner. In any case, since the petitioner *prima facie* appears to be a juvenile being aged less than 18 years and has since joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.11.2020 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.

7.4.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No