

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

CRM-M-42889-2020

Date of decision:-6.1.2021

Swati Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Bisham Kumar Majoka, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Swati Singh, aged about 30 years, wife of Deepak Singh, resident of Sanjay Colony, Street No.69, Sector-22, Faridabad, an accused in FIR No.544 dated 28.11.2020 for the offence under Section 306 IPC, registered at Police Station Bilaspur, District Gurugram.

Briefly stated, the prosecution story is that the criminal machinery in this case was set into motion by complainant Mandeep Kumar son of Sh.Madan Singh, resident of VPO Bahora Kalan, an Ex-Army personnel, who in the written complaint submitted by him to the police stated that his brother Sandeep Kumar was quite upset for last 2-3

days and on being inquired by him and other family members, he did not disclose anything; on 28.11.2020 at about 9:00 a.m., Sandeep Kumar sat in the courtyard of the house and started weeping; when the complainant inquired from him the reason for doing so, then Sandeep Kumar told him that a girl named Sakshi had been harassing him for many days and she had also grabbed money from him and for the said reason, he had taken poison; Sandeep Kumar was hospitalized; however, he expired during treatment. The doctor had recovered a suicide note from his clothes and the complainant had given it to the police. *Inter alia* in the complaint, the complainant contended that his brother Sandeep Kumar had been forced to commit suicide by girl, namely, Sakshi, who was responsible for his death. On the basis of this complaint, formal FIR was registered. The investigation in the case started.

Apprehending her arrest in this case, the present petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, which was assigned to learned Additional Sessions Judge, Gurugram. However, her such request was declined by learned Additional Sessions Judge, Gurugram vide order dated 7.12.2020. As such, the present petitioner has approached this Court asking for the similar relief.

Notice of the petition has been given to respondent – State. Mr. Tanuj Sharma, AAG, Haryana has appeared on behalf of respondent – State. He opposes the present petition.

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

Learned counsel for the petitioner has contended that petitioner has nothing to do with suicide committed by Sandeep Kumar. As a matter of fact, she is not even named in the FIR; she is a married woman, as such there could not be any question of petitioner forcing the deceased to marry her. Learned counsel for the petitioner has further contended that the police is unnecessarily connecting her with some Sakshi, who had allegedly abetted the suicide of Sandeep Kumar. Therefore, pre-arrest bail be granted to the petitioner.

Whereas, learned State counsel contended that Sakshi is none-else but the present petitioner, who had wrongly disclosed her name as Sakshi to Sandeep Kumar. He has further submitted that the mobile number used by the petitioner/accused found entered in mobile phone of the deceased has been issued in the name of Swati wife of Deepak Singh, resident of Faridabad, who is none-else but the present petitioner. According to learned State counsel in the suicide note left by the petitioner, it is clearly mentioned that he was being driven to suicide by Sakshi, in that way custodial interrogation of Swati Singh i.e. present petitioner is necessary for unfolding the complete story. Therefore, the present petition be dismissed.

After hearing the rival contentions and going through the record, I find that no case for grant of pre-arrest bail to the petitioner is made out.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits

from custodial interrogation.

Though in the suicide note left by the deceased, translated copy of which has been placed on record as Annexure P2, it is mentioned that Sakshi was responsible for death of Sandeep Kumar but as explained by the State counsel said Sakshi was none-else but the present petitioner having name Swati Singh. Interestingly, in the petition filed by present petitioner Swati Singh before the Court of Sessions at Gurugram, she has given her name as Swati Singh alias Sakshi, therefore, she cannot now claim that Swati Singh and Sakshi are two different persons and she is not known as Sakshi or had not disclosed her name Sakshi to the deceased. Even otherwise, from the mobile phone record, it comes out that Sakshi is none-else but the present petitioner. The suicide note left by the deceased has squarely held the present petitioner to be responsible for driving Sandeep Kumar to commit suicide.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus the petition is doomed for failure and is dismissed accordingly.

6.1.2021
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No