

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

CRM-M-6108-2022 (O&M)

Date of Decision:-18.7.2022

Devender Singh Lakra

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vimal Kumar Gupta, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Mukesh Rao, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-24345-2022

In view of the reasons mentioned in the application, the same is allowed and Ms. Meenu Sharma, resident of House No.B-83, The Summit, D.L.F. City, Phase-5, Sector-54, Gurugram is ordered to be impleaded as respondent No.2/complainant. The amended memo of parties annexed with the application is taken on record.

CRM-24447-2022

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures C-1 to C-7 subject to all just exceptions.

CRM-M-6108-2022 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0249, dated 8.7.2018, Police Station Sector-56, Gurugram, District Gurugram, under Section 306 of Indian Penal Code, wherein the allegations are broadly to the effect that the petitioner alongwith other co-accused had abetted the commission of suicide by complainant's father i.e. Vinod Sharma.
2. In the complaint, there is a reference to the suicide note written by complainant's father, the relevant extract of which reads as follows:

“I am taking this painful step, for which only and only Devinder Lakhra son of Kewal Singh and his entire family who are resident of House No. 663, Mundka are responsible in every manner. I am attaching one declaration cum affidavit, in which complete details is there that how this family has looted me and has destroyed me. My soul will only rest in peace when strict punishment will be given to them because by visiting courts again and again from the last 6 years, I am harassed. I am making one more prayer that neither my family, any friend, any office staff, shall be called for enquiry/investigation nor they be harassed. I am making one more request to you that post-mortem shall not be conducted on my body.”

3. Learned counsel for the petitioner submitted that though there a reference to an affidavit in the suicide note, but it is borne out that the said affidavit had been drafted two months prior to the alleged suicide note and the very language of the affidavit, which is duly notarised, would reveal that the same had been drafted by some legal expert and is not handiwork of any layman. It has been submitted that such like meticulously drafted affidavit cannot

assume the character of a suicide note and apparently it is an attempt to falsely implicate the petitioner. Learned counsel has further submitted that the petitioner, in any case, has been behind bars for a substantial period of 2 years and 7 months and since several other co-accused have already been granted bail, the petitioner also deserves the same concession on grounds of parity.

4. Opposing the petition, learned State counsel assisted by learned senior counsel for the complainant has submitted that since the name of petitioner specifically figures in the suicide note itself and that the details of harassment are also mentioned in the Affidavit, the complicity of the petitioner is clearly evident. It has also been pointed out that the case of other co-accused, who have been granted bail, is on a different footing inasmuch as they were not named in the FIR. It has also been submitted that the conduct of petitioner, who has been declared a Proclaimed Offender in the instant case and had also been declared a proclaimed offender in another case i.e. in complaint filed against him under provisions of Section 138 of Negotiable Instruments Act, does not warrant taking any lenient view and infact there would always be an apprehension that the petitioner, in case granted bail, would flee from justice.
5. It has also been pointed out that the petitioner has not approached the Court with clean hands inasmuch details of all the other cases pending against him i.e. FIR No.273 dated 20.4.2009, Police Station Najabgarh, Delhi, under Sections 452, 308, 506, 427 and 34 of Indian Penal Code and FIR No.547, dated 13.9.2014, Police Station Chhawla, Delhi, under Sections 188 of Indian Penal Code, have not been disclosed by him.

6. I have considered rival submissions addressed before this Court.
7. There cannot possibly be any dispute that petitioner is the main accused, whose name clearly figures in the suicide note. The petitioner cannot claim any parity on account of the fact that co-accused have been granted bail inasmuch the petitioner is the main accused, who is specifically named in the FIR, whereas the co-accused are not named. Still further, this Court finds that the petitioner has tendencies to flee from justice inasmuch previously when he was arrayed as an accused in a private complaint instituted against him for offence under Section 138 of Negotiable Instruments Act, he had been declared a proclaimed offender in the year 2014. Even in the present case, he came to be declared as a proclaimed offender in the year 2019 and he remained absent from the Court for a good one year.
8. The fact that the petitioner has concealed the factum of some of the cases pending against him would also work against him and would show his conduct. In view of the aforestated position especially the conduct of the petitioner in having been declared a proclaimed offender and having concealed the factum of pendency of other cases, he does not deserve any concession for grant of bail. The petition is sans merit and is hereby dismissed. The prosecution is, however, directed to produce the witnesses on the dates as may be fixed for recording their statements. Trial Court to take all necessary steps for expediting the conclusion of trial.

18.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No