

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-10999-2022
Date of decision: 22.07.2022**

GOLDY RAJ @ INDER RAJ

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G., Haryana
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 79 dated 24.08.2018 registered at Police Station GRP Sonipat, District Sonipat, wherein, offences constituted under Sections 306 of the IPC (Section 201 of IPC added subsequently), are embodied.

2. The son of the complainant committed suicide at the railway tracks, on 26.06.2018. The post-mortem report, as made by the doctor, who conducted autopsy on the body of the deceased, is submitted by the learned State Counsel, to reveal, some ante mortem injuries becoming encumbered, upon the son of the complainant, and,

that an opinion as made thereons, is that, they were sufficient to cause death, and or, were a sequel of *MULTIPLE INJURIES DESCRIBED*, and, also that the injuries were a sequel of *ANY ASPHYXIATING CRUSHING DRAGGING FORCE INCLUDING RAILWAY TRAFFIC ACCIDENT*.

3. The learned Counsel for the petitioner though, on the basis of the above made opinion of the doctor, who subjected the body of the deceased to post mortem, submits that the demise of the deceased was accidental, and, it was not suicidal, and, further submits, that there is no offence of abetment made out against the present bail petitioner.

4. Furthermore, though, he also submits, that since the FIR is lodged after a delay of about two months occurring, since the ill-happening of demise of the son of the complainant, therefore, he submits that the allegations contained in the petition FIR, are completely invented, and, contrived, besides are stained with vices of pre-meditations, and, concoctions.

5. However, for the reasons to be assigned hereinafter, the above made submissions are rejected. The primary reason for rejecting the above made submission, stands founded, upon the factum, that during the course of the investigating officer, making investigations into the petition FIR, his collecting voice recordings, as occur in the DVD, wherein, occur the audio recordings as, emanated from the respective mobile numbers of one Ajay, a friend of the deceased, and, of the employer of the deceased, who is the present bail petitioner. A reading of the transcript of the conversation, attributed, at this stage, to

be in the voice of present employer, reveals, that he had made threatenings against the deceased about his being falsely implicated, in cases of sexual molestation of female employees working in the establishment. The above communication became further communicated to the deceased, whereupon, prima facie he became beset with a trauma, ultimately leading him to commit suicide, hence making the bail petitioner to prima facie become an abettor.

6. Since, reiteratedly in tandem with the above transcript, of cell phone conversation(s), which occurred amongst the friend of the deceased, and, the present bail petitioner, the complainant has made a narration, in the FIR, therefore, the above electronic evidence, does prima facie, at this stage, substantiate the above purported instigatory fact as contained therein.

7. The secondary reason for forming the above inference, ensues from the fact, that the potency of the above abetting, or instigatory fact, cannot be, at this stage, concluded to be not sufficient, for its being construable to be the relevant instigatory fact, as the above conversation rather becomes the foundation of the petition FIR. Consequently, also, at this stage, it cannot be said, that the above transcript of the cell conversation occurring inter-se, the friend of the deceased, and, the deceased, and, which becomes attributed to the present bail petitioner, was never communicated, to the deceased. If so, at this stage, it has to be presumed, that it did come to be communicated to the deceased, and, thereupon, at this stage, rather it becomes, the relevant instigatory, and, abetting factor for the deceased committing

suicide. Necessarily so, as the above intimation to him, by his friend encumbered his psyche, and or, his mindset rather with the deepest trauma, and, ultimately led him to commit suicide.

8. In view of the above, this Court does not find any merit in the petition, and, rather, becomes constrained to dismiss it.

9. Dismissed accordingly.

10. It is clarified that the above made observations are strictly made only for the disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned, as and when he/she deals with the trial of the FIR (Supra).

22.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*