

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

**CRM-M No.32659 of 2022
Date of Decision: 25.08.2022**

Anand Kumar @ Anand Bairagi

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ankush Singla, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.191 dated 16.07.2022 registered at Police Station Bahalgarh, District Sonipat, under Section 306 IPC, the petitioner has preferred this petition for seeking the relief of pre-arrest bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant-Suman in the subject FIR, are that on 16.07.2022, her husband Manoj had committed suicide by hanging himself and that about 2/3 days earlier thereto, he (Manoj) had told her that the petitioner had levelled false allegation against him regarding the theft of the Batteries while saying that it was better for him (deceased) to commit suicide instead of committing theft.

3. Status-report submitted on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Rai, Sonipat, along-with Annexures R-1 and R-2 and the vernacular version of Annexure R-2, is already available on the file and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by Mr. Shamsheer Singh Tomar, Advocate, who has submitted his Memo of Appearance on behalf of the complainant in the Court today only) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that a decree for the recovery of money had been passed and the conditional warrant of arrest had been issued against the deceased and moreover, a criminal case had also been registered against him (deceased) vide FIR Annexure P-2 under Section 3 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and due to this reason, the deceased had taken the extreme step of ending his life and the petitioner had no concern with the same and has, rather, been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel argues that the deceased has left behind a suicide note categorically mentioning therein that he had not committed any theft and the death was better than living with a slur in his name and the petitioner had levelled false allegation against him and was, thus, responsible for his suicide and it being so, this petition be dismissed.

7. Even if a decree for recovery of money had been passed vide judgment Annexure P-3 and the conditional warrant had been issued against the deceased and the said criminal case had also been registered against him, even then, this Court cannot lose sight of the fact that Annexure R-2 is the suicide note purported to have been scribed and left behind by the deceased wherein he has specifically named the petitioner as the person responsible for his decision to commit suicide. The truthfulness and veracity of the afore-discussed version of the petitioner as well as of the contents of the said suicide note can and shall be looked in to and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be ascertained at the stage of deciding this petition.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

August 25, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>