

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36591-2022

Date of decision : 27.09.2022

Rajesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.A.D.S.Sukhija, Advocate for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.88 dated 02.08.2022 registered under Sections 306, 34 IPC at Police Station Chabbewal, Hoshiarpur.

On 22.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, neither any specific incident of any alleged harassment has been mentioned nor any overt act has been attributed to the present petitioner and only vague allegations have been levelled, which would not constitute the ingredients of the offence of abetment to suicide. It is further submitted that no suicide note has been left behind by the deceased and as per the FIR, it has been stated that on 11.07.2022, the deceased had dropped Poonam Rani, his wife, to her paternal home and thereafter, uptill 27.07.2022, he was stated to be working and thereafter, on 27.07.2022 at 08:30 pm, he was not traceable and on 29.07.2022, it was learnt that he had died. It is contended that there are no allegations that the deceased had met the present petitioner between 11.07.2022 and 27.07.2022. It is further contended that even allegations in the FIR to the effect that the deceased used to remain upset because of demand of his wife to have a separate residence from his family, cannot be a ground for

*a sane person to commit suicide. Reliance has been placed upon judgment of the Hon'ble Supreme Court in **M.Mohan Vs. D.S.P. Karaikudi**, reported as (2011) 3 SCC 626 as well as the judgment of this Court in **A.R. Madhav Rao and others Versus State of Haryana and another** reported as 2019(3) Crimes 578.*

Notice of motion for 27.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

22.08.2022

**(VIKAS BAHL)
JUDGE"**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rajwinder Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 22.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 22.08.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**(VIKAS BAHL)
JUDGE**

September 27, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No