

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CRM-M-39643-2022

Date of decision: - 22.11.2022

Bansi Dhar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ankit Dhanda, Advocate
for Mr. Govind Mor, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.95 dated 15.08.2022, under Section 306 IPC, at Police Station GRP Hisar, District Hisar.

On 02.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case there is no suicide note and the alleged suicide has taken place on 10.08.2022 and thereafter, in the proceeding under Section 174 Cr.P.C., as has been recorded in the police proceedings in the FIR itself, it is mentioned that family members of the deceased have admitted that the deceased was weak in studies and used to get less marks in tests and due to which, he was mentally disturbed and thereafter jumped in front of a

*train. It is further submitted that the FIR has been registered after a delay of 2 days from the date of the incident, i.e. On 12.08.2022. It is also submitted that even the CCTV footage is from 08.08.2022 whereas the alleged suicide took place on 10.08.2022. It is stated the the petitioner is the Principal of the school and is doing the said work as a Philanthropist without receiving any salary solely for the welfare of the children and the petitioner is not involved in any other case. It is further submitted that in the present case the dead body of the deceased has been found on a railway track and thus, the question whether the present case is a case of suicide or an accident is a matter of debate. Learned counsel for the petitioner in support of his arguments has relied upon the judgments of the Hon'ble Supreme Court of India in **Ramesh Kumar vs. Chhattisgarh** reported as 2001(9) SCC 618, **SS Chheena vs. Vijay Kumar Mahajan and another** reported as 2010(12) SCC 190, **Sanju @ Sanjay Singh vs. State of Madhya Pradesh**, reported as 2002(2) RCR (CrL) 687, **Madan Mohan Singh vs. State of (4) Gujarat** reported as 2010(8) SCC 628 and order of a coordinate Bench of this Court in **Rekha vs. State of Haryana** reported as 2019(1) Law Herlad 927.*

Notice of motion for 22.11.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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.

It would be open to learned State counsel as well as learned counsel for the complainant to place on record the documents to show that the petitioner is not entitled for anticipatory bail.

(VIKAS BAHL)
JUDGE

September 02, 2022"

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

Learned State counsel, on instructions from SI Om Parkash,

has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 02.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 02.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

November 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No