

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-46626-2022

Date of Decision: *November 22, 2022*

Suber

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Khatri, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No. 1024, dated 26.08.2022, under Sections 306, 34 of the Indian Penal Code, registered at Police Station Sadar Hisar, District Hisar.

Briefly, the FIR has been registered on the basis of the statement of Rajbir alleging that the marriage of his daughter Seema deceased was solemnized about 16 years prior to the occurrence with the petitioner. Four children were born from the wedlock. The petitioner along with his brother Sattar and sister-in-law Darshana had been quarreling with the deceased and harassing her. The deceased had telephonically informed about the same to her

father. On 25.08.2022, the deceased had committed suicide. There were injury marks on the body of the deceased.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that the marriage of the petitioner with the deceased was solemnized in the year 2007 and three daughters and a son have been born from the wedlock. The deceased had committed suicide by hanging herself. She has not left any suicide note and the suicide has been committed on the instigation of Vinod. The petitioner had submitted a complaint dated 27.09.2022 (Annexure P-3) to the Superintendent of Police, Hisar against Vinod after the occurrence. Furthermore, at the time of occurrence, the petitioner was in the house of the complainant.

On the contrary, the learned State counsel has opposed the bail application and argued that the allegations leveled against Vinod have been found to be false. Furthermore, there were 12 injuries found on the person of the deceased.

It may be true that the deceased had not left any suicide note, but there are specific and categoric allegations to the effect that she had telephonically informed her father with regard to the fact that the petitioner along with others had been quarreling with and harassing her. There must be

some compelling circumstances which prompted the deceased to commit suicide leaving behind her four young children. Merely because the petitioner was allegedly present in the house of the complainant at the time of occurrence cannot be termed to be a ground to absolve him of his criminal liability with regard to the abetment to commit suicide. The physical presence of the abettor is not required when the deceased had committed suicide. Even there were 12 injuries found on the person of the deceased which are stated to be within 24 hours. The occurrence took place in the house of the petitioner. Although, the petitioner had submitted an application against Vinod to the Superintendent of Police, Hisar, but during inquiry, the allegations leveled therein have been found to be false. The said application was submitted subsequent to the registration of the FIR. As such, it cannot be ruled out that the application was submitted as a result of afterthought to evade the criminal liability and shift the same upon another person. The anticipatory bail cannot be lightly granted and the same can be granted only in the event exceptional circumstances are made out.

Keeping in view the entire circumstances emerging in the instant case, the matter requires thorough probe and investigation and no exceptional circumstances

are made out to extend the concession of anticipatory bail to the petitioner.

Present petition is dismissed, accordingly.

November 22, 2022
vkd

(Vivek Puri)
Judge

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