

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-10600-2023
Date of Decision:- 12.04.2023

Surender

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present Mr. Abhimanyu Singh, Advocate, for the petitioner.
 Mr. Chetan Sharma, AAG, Haryana.
 Mr. Raman Chawla, Advocate for complainant.

MANJARI NEHRU KAUL, J (ORAL)

The petitioner is seeking concession of anticipatory bail under Section 438 Cr.P.C in case FIR No.198 dated 31.08.2021, under Sections 306,506 and 34 IPC, registered at Police Station Industrial Area, Bhiwani, District Bhiwani.

On 01.03.2023, while issuing notice of motion, this Court passed the following order:-

“xxxxx

Learned counsel *inter alia* contends that it was a matter of record that both the petitioner and the deceased were partners in a business. They had invested about Rs.40-50 lacs in some business based out of Mumbai. However, the said investment had failed to yield profits, as a result of which, deceased-Anil Kumar had slipped into depression, and subsequently ended his life by hanging. Learned counsel submits that the relations between the petitioner and the deceased were cordial which could be discerned from the whatsapp chats between them which has been annexed as Annexure P-3. He submits that the tone and tenor of the whatsapp chats clearly reveals that the petitioner had been depressed on account of the losses suffered in the business and the petitioner had all along been counseling the

deceased to stay strong.

xxx.

No coercive steps be taken against the petitioner till the next date of hearing.”

Learned State counsel assisted by learned counsel for the complainant has, however, opposed the submissions and prayer made by learned counsel opposite. It has been vehemently argued that the contents of the suicide note left behind by the deceased Anil, and which had been duly authenticated by a report of the Forensic Sciences Laboratory had been withheld while filing the present petition. The deceased had levelled specific allegations of harassment against the petitioner which, in turn, found due corroboration with the allegations levelled in the FIR, registered at the instance of the son of the deceased.

It has still further been contended that the whatsapp chat Annexure P-3, on which the learned counsel for the petitioner had placed a great deal of reliance so as to make out a case that the deceased had ended his life on account of losses incurred by him in his business, had infact been exchanged between the petitioner and the deceased in the year 2020 i.e more than a year prior to the date of the occurrence in question. Thus, there was no proximate link between the suicide of the deceased and the alleged business losses.

Learned State counsel assisted by learned counsel for the complainant still further argued that the deceased was being continuously harassed as well as threatened by the petitioner with dire consequences. Instead of returning the amount of Rs.64,00,000/- which had been grabbed by him from the deceased, the petitioner and the other accused had also taken illegal possession of a 45 sq.yards house belonging to the complainant party. Hence, due to the aforesaid harassment and threats, the deceased was compelled to end his life by suicide.

A perusal of the FIR in question reveals that there are specific allegations levelled against the petitioner of not only extending continuous threats of dire consequences to the deceased and his family but also forcibly taking illegal possession of the house of the complainant party. The accused persons including the petitioner also allegedly swallowed Rs.64,00,000/- belonging to the deceased, as a result of which he was pushed against the wall and ended his life by suicide. In the wake of the *Prima facie*, allegations levelled against the petitioner, this Court is not inclined to extend the extra ordinary concession of anticipatory bail to the petitioner.

Dismissed.

However, any observations made hereinabove, may not be construed as an expression of opinion on the merits of the case during the course of the trial.

12.4.2023
mamta

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No