

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

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**CRM-M-11681-2023
Date of decision: 09.03.2023**

Jitender	Versus	Petitioner
State of Haryana		Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chanderhas Yadav, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.80 dated 27.03.2022 under Section 306 of the IPC registered at Police Station Salhawas, District Jhajjar.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand on the basis of a suicide note (Annexure P-5) allegedly left behind by the deceased wherein he held the petitioner responsible for his suicide. Learned counsel submits that admittedly there was a civil dispute pending between the petitioner and the deceased pertaining to one exchange deed, however, there was no monetary transaction between the parties. The FIR in question evidently had been registered only because the widow of the deceased had become greedy and she wanted to earn easy money by exerting pressure upon the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR, learned counsel submits that it was alleged therein that the deceased was under tension as the petitioner after purchasing the shop from the deceased had refused to pay the entire sale consideration, however, learned counsel urged that this fact alone would not in any

manner attract the mischief of an offence under Section 107/306 of the IPC. It was still further argued that as per the allegations levelled in the FIR, information was received by the police that on Amboli-Salhawas Road an unknown dead body was lying but when the police reached the spot, the complainant i.e. wife of the deceased and other family members were already present which created a big question mark qua the circumstances which led to the death of the deceased. Learned counsel thus submitted that a perusal of the allegations levelled in the FIR coupled with the above circumstances wherein the family of the deceased were found present next to the dead body, left no manner of doubt that firstly the ingredients to attract the mischief of Section 306 of the IPC were missing and secondly an innocent person had been falsely named in the FIR in question. Learned counsel in support of his submissions has placed reliance upon *S.S.Chheena Vs. Vijay Kumar Mahajan and another : 2010(4) RCR (Criminal) 66*; *Suresh Hindurao Patil, Maitri CHS Vs. State of Maharashtra (At the instance of Police Inspector of Shivajinagar Police Station, Ambarnath (E), Thane) and another : 2019(6) Mh.LJ (Crl.) 777*; *Basti Ram Vs. State of Haryana and others : 2016(3) RCR (Criminal) 767*; *Gurcharan Singh Vs. State of Punjab : 2017(1) RCR (Criminal) 118*; *Ramesh Chander Sibbal Vs. State (Govt. of NCT of Delhi) : 2010(1) RCR (Criminal) 673*; *Shivanidra B alias Raju Vs. State of Karnataka : 2020(2) Air Kar R 259* and *Murugesan Vs. State rep. by The Inspector of Police, All Women Police Station, Mathimam, Coimbatore : 2017(2) LW (Crl.) 661*.

I have heard learned counsel and perused the relevant

material on record including the case laws on which learned counsel for the petitioner has placed reliance.

It has not been disputed by the learned counsel rather it is a matter of record that a suicide note was left behind by the deceased wherein he has specifically named the petitioner for being responsible for his suicide. In the FIR which was registered at the instance of wife of the deceased, she has categorically and specifically levelled allegations against the petitioner of harassing the deceased by refusing to pay the sale consideration of the shop which had been sold by him to the petitioner. On a conjoint perusal of the allegations levelled in the FIR along with the suicide note left behind by the deceased, it does *prima facie* indicate that the petitioner on account of his conduct had pushed the deceased against the wall as a result of which he ended his life by consuming some poisonous substance. In the circumstances, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

The case laws on which reliance has been placed by the learned counsel would not come to rescue of the petitioner at this stage as the case is still at the stage of investigation and trial is yet to commence.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.03.2023

(MANJARI NEHRU KAUL)

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JUDGE

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