

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17022 of 2022(O&M)
Date of Decision: 05.05.2023

Smt. Bhawana & Ors.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. J.S. Hooda, Advocate
For the petitioner.

Mr. Naveen Kumar Sheoran, DAG Haryana.

Mr. John Kumar, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 59 dated 19.03.2022, registered under Sections 306, 384 read with Section 34 IPC at Police Station Bahin, District Palwal.

2. The allegations in nutshell are that deceased Partap Singh, father of the complainant was honey trapped and black mailed by the petitioners and they extorted the deceased to pay money to them and under their pressure the deceased paid huge amount to the accused persons but even thereafter they were persistently harassing the deceased as a result of which the deceased committed suicide and before doing so, he left behind suicide note wherein he named all the three petitioners to be the persons responsible for his death.

3. The counsel for the petitioners submits that the petitioners have been falsely implicated in the present case at the instance of son of the deceased who died on 02.09.2021. The counsel for the petitioners further submits that there is no post mortem report to ascertain the cause of his death. The counsel for the petitioners further submits that the alleged occurrence took place on 02.09.2021 whereas the matter was reported to the police for the first time on 05.09.2021 and in the meantime the alleged suicide note was fabricated by the complainant. The counsel for the petitioners further submits that the prosecution cannot take any benefit of the alleged report of FSL as the same has been manipulated by the prosecution to show that the signatures appearing on the suicide note are matching with the admitted signatures of the deceased. The counsel for the petitioners further submits that no efforts were made by the prosecution to get compared the writing appearing in the body of the suicide note with the admitted hand writing of the deceased. The counsel for the petitioners further submits that the petitioners have already joined the investigation with the police and that they are having no concern with the death of Partap Singh who was residing in their neighborhood.

4. The present petition is resisted by the counsel for the complainant who submits that Partap Singh was seduced and honey trapped by Bhawna and other accused persons and then they demanded money and compelled him to pay huge amount to them but even thereafter the petitioners kept on black mailing the deceased and thus, compelled him to end his life by committing suicide. The counsel for the complainant further submits that after the death of his father, the complainant while checking his belongings came across suicide note left by the deceased and immediately

thereafter the matter was reported to the police. But in the meantime, the dead body was cremated without post mortem examination. The counsel for the complainant further submits that the report of FSL also goes against the petitioners. So, prayer is made that the present petition be dismissed.

5. The State counsel while contesting the present petition also argued on the same lines. However, the State counsel on instructions from SI Jamshed Ali has not disputed the fact that Partap Singh died on 02.09.2021 whereas the matter was reported to the police by the complainant on 05.09.2021 and that prior to the registration of the present FIR, no complaint was ever lodged by the deceased or complainant with regard to alleged honey trapping and black mailing of the deceased by the petitioners. The State counsel also apprised the Court that the post mortem examination of the dead body of Partap Singh was not conducted and as such there is no report regarding cause of his death. The State counsel further submits that the signatures appearing on the suicide note left by the deceased are matching with his standard signatures as has been opined in the report of FSL. The State counsel further submits that the petitioners have joined the investigation with the police in compliance with the previous order of interim bail.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, no post mortem examination of dead body of Partap Singh was conducted, who died on 02.09.2021. The matter was reported to the police on 05.09.2021. There are allegations of honey trapping and black mailing, in the FIR, but the exact date and month of the same is not given therein. The genuineness of the suicide note in question will be

determined by the trial Court, after the recording of evidence. The aspect of *mens rea*, if any, on the part of the petitioners, is also matter of evidence. Also in this case, it appears that prior to the lodging of the present FIR no complaint was lodged by the complainant or the deceased with regard to alleged honey trapping and black mailing of the deceased by the petitioners. Further, the petitioners have joined the investigation with the police. In the given circumstances, no purpose is going to be served even if the petitioners are subjected to custodial interrogation at this point of time.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and interim order dated 28.04.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

05.05.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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