

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 201)

CRM-M No. 26089 of 2023

Date of decision : 29.08.2023

Kapil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Neeraj Yadav, Advocate for the petitioner.
Mr. Dushyant Saharan, AAG, Haryana.
Mr. Akshay Pratap, Advocate for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 44 dated 19.04.2023 registered under Sections 306/34 IPC at Police Station GRP Rewari, District Rewari.

(2) On 23.01.2023, a memo was received in the Police Station GRP, Rewari from Station Superintendent, Railway Station, Rewari with regard to a dead body having been found at a yard of the Railway Station Rewari. On receipt of such information, the police reached the spot and took the unidentified dead body to the mortuary of Civil Hospital, Rewari. On 24.01.2023, Sanjay Singh identified the dead body to be of his son Raj Pratap Singh aged about 19 years. The post mortem of the dead body was got conducted as per which the cause of death of the deceased was on

account of *ante mortem* injuries caused due to heavy compressive and dragging force which may be due to the train. On 17.02.2023, the deceased's father told the police that he had procured the deceased's phone from the petitioner's custody in which he had found deleted certain chats and videos. Later, the father of the deceased filed a complaint with the police as per which it was the petitioner, Tina and Aman who had abetted his son's suicide. At that stage the police registered the FIR in which the petitioner seeks anticipatory bail.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; no suicide note was left by the deceased; the only reason for implicating the petitioner in the case is that the deceased's phone was found in his possession after the deceased had committed suicide and that the petitioner knew that the deceased had committed suicide but he did not disclose this fact to either the deceased's family or to the police; the allegation with regard to embezzlement of the deceased's money by the petitioner are absolutely false and that the petitioner is also ready and willing to join and cooperate with the investigation.

(4) Learned State counsel as also learned counsel appearing for the complainant oppose the grant of anticipatory bail to the petitioner.

(5) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(6) After the deceased's suicide, his phone has been recovered by the deceased's father from the petitioner. The deceased's father alleges that the petitioner was aware of the fact that the deceased had committed suicide

but he did not disclose this fact to either the deceased's family or to the police. The deceased's father further found that from his son's phone several video/chats had been deleted by the petitioner. The petitioner is further alleged to owe money to the deceased. All these issues, amongst others, need a deep probe for which the petitioner's custodial interrogation is considered necessary.

(7) Further, the present petition came up for preliminary hearing before this Court on 25.05.2023 on which date after *inter alia* recording the submission made on behalf of the petitioner that the petitioner would deposit his phone(s) and laptop with the police within two days, notice was issued to the State and his arrest was stayed. Directions were also issued to the State to get the petitioner's and the deceased's phone(s) forensically examined and then file a detailed status report. However, the petitioner did submit a mobile phone with the police but the same was the mobile phone which he had acquired after the deceased's suicide. As per the petitioner the mobile phone which was in his possession at the time of and before the deceased's suicide had been lost on 01.03.2023 *i.e.* soon after the deceased's suicide. It needs to be investigated as to whether the petitioner has intentionally withheld from the police crucial evidence in the form of his phone.

(8) As noticed earlier, on 25.05.2023, after *inter alia* recording the submissions made on behalf of the petitioner that he shall deposit his smart phone and laptop with the police this Court had issued notice to the State and further stayed the petitioner's arrest. On the next date the roster changed and when this petition came up for hearing before a coordinate Bench, it was stated on behalf of the petitioner that no statement had been made by him on

25.05.2023 with regard to deposit of his laptop and phone with the police. Interestingly, between 25.05.2023 and 22.08.2023 which was the next date fixed before this Court, no application was filed on behalf of the petitioner seeking clarification/modification of the order dated 25.05.2023. Rather, he continued to enjoy the interim stay of arrest granted to him through order dated 25.05.2023. Least to say that the petitioner has attempted to mislead this Court.

(9) The afore conduct of the petitioner and the serious allegations against him do not entitle him to the grant of anticipatory bail.

(10) Dismissed.

(11) It is clarified that the above observations on the merits of the matter have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.08.2023

sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No