

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

CRM-M-46013-2023(O&M)

Date of Decision: 14.09.2023

Vikram @ Vicky @ GoluPetitioner
Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Niraj Sinhmar, Advocate
for the petitioner.

Ms. Svaneel Jaswal, Addl. A.G. Haryana.

ARUN MONGA, J. (ORAL)

After being declined anticipatory bail by learned Court below, present petition has been filed before this Court seeking pre-arrest bail in a case bearing FIR No.118 dated 23.05.2023, registered under Section 306 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station, Uchana, District Jind.

2. Per FIR, on 23rd May 2023, Madan, the son of Diwan Chand alias Diwana and a resident of Rohera, reportedly committed suicide by hanging himself in Ravidas Mandir/Dharamshala in Uchana. Upon receiving this information, ASI Krishan Kumar and other police officials arrived at the scene and discovered Madan's lifeless body in a room. The legal heirs presented a suicide note to the authorities. Madan's brother, Mahender, revealed that Madan worked as an Electrician in Uchana Mandi, frequently experienced mental distress and was a habitual drinker. On the day of the incident, they received information about Madan's suicide at Ravidas Mandir/Dharamshala. Upon arrival, they found a suicide note in which Madan accused Vicky alias Golu of being responsible for his suicide. Based on this complaint, a First Information

Report (FIR) was registered. A post-mortem examination was conducted on Madan's body, and the viscera, along with the suicide note, were stored in the Malkhana. On 4th July 2023, the complainant submitted a specimen copy of the deceased's handwriting and provided a supplementary statement. According to this statement, Madan's wife, Kiran, was allegedly involved in an illicit relationship with the petitioner. Madan had allegedly caught them together in compromising positions multiple times, leading to his depression and eventual suicide.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and there are no specific allegations leveled by the deceased against him. He would further submit that suicide note was not recovered from the hands or pockets of deceased but was recovered from the room, which causes suspicion on the veracity of the suicide note. The alleged suicide note is forged and fabricated one. He further contends that deceased was a drug addict and remained mentally disturbed. Petitioner had nothing to do with his suicide and he is ready to co-operate in the investigation. He further urges that petitioner is not involved in any other case.

4. On the other hand, learned State Counsel opposes the bail petition and submits that the allegation against the petitioner, who is paramour of wife of deceased, is of abetment to suicide. Petitioner was precisely named in the suicide note left by the deceased. She further contends that investigation is at initial stage and custody of petitioner would be essential to unearth the truth.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Abetment entails a mental process of encouraging or deliberately assisting someone in carrying out an action. When an individual, through their

actions, either overt or covert, or through a consistent pattern of behavior, creates circumstances compelling the victim to commit suicide, it can be deduced as instigation. In the present case, a suicide note was discovered at the scene where the petitioner was identified as the individual accountable for the deceased person's suicide. The investigation is currently in its early stages. There are significant and explicit accusations against the petitioner based on initial evidence. To conduct a thorough investigation, it is necessary to interrogate the petitioner.

7. As an upshot, no indulgence is warranted by this Court to grant concession of anticipatory bail to petitioner. Instant bail petition is thus dismissed.

8. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of disposal of the instant bail petition alone and learned trial Court shall proceed in accordance with law without being influenced with this order, if/when any fresh bail application is moved by the petitioner.

9. Pending application(s), if any, shall also stand disposed of.

14.09.2023
Jyoti Thakur

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No