

Neutral Citation No.2024:PHHC:044277

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.3584 of 2024
Date of decision:02.04.2024

Shankar Lal ... Petitioner

Vs.

State of Punjab ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ashish Yadav, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

Mr. Rajesh Sethi, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition filed by the petitioner under Section 438 of Cr.P.C for grant of anticipatory bail to the petitioner in case arising out of FIR No.277 dated 26.12.2023 registered under Section 306 of IPC at Police Station Talwandi Sabo, District, Bathinda on the basis of statement recorded by the complainant-Subhash Chander alleging therein that his daughter who was 19 years old and was studying in B.A second year in social science and was living in hostel, had committed suicide in her room on 25.12.2023. He alleged that she was being harassed by the present petitioner who used to make calls on her phone repeatedly. Even in the morning of the 25.12.2023, he had called the victim and harassed

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her. This fact was told by the victim to her father at about 11.35 am and she also disclosed that she was fed up and she was going to end her life. The complainant further alleged that he had made her understand but subsequently, he received a message of her death by way of suicide.

2. Learned counsel for the petitioner has argued that no case for commission of offence under Section 306 of IPC has been made out against the petitioner as ingredients for commission of this offence are not made out on the face of the record. The petitioner had no role to abet the suicide by the victim. Infact, the victim who was a very good friend of him, used to call and talk with him regularly and used to complain about the several acts of atrocities committed upon her by her father. The petitioner has joined the investigation. His custodial interrogation is not required. Therefore, it is urged by him that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State as per which the petitioner has joined investigation as on 29.02.2024. However, simultaneously, it is submitted that the call detail records of the cell phones of the victim as well as petitioner have been procured which reveal that the petitioner had been in constant touch with the victim and one day prior to her suicidal death, they had conversation with each other for eight times and even on the fateful day, when she had died suicidal death, they had talked with each other. It is submitted by learned State counsel assisted by learned counsel for the complainant that just before her death, the victim had called her father and told him that she was fed up and was going to end her life since she felt insulted in her class and even in University as the petitioner used to call her again and again and harassed her. It is further submitted that

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the custodial interrogation of the petitioner is required for thorough investigation in the matter by the police and, therefore, it is argued that the petition does not deserve to be allowed.

4. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

5. The petitioner is alleged to have abetted the suicidal death by the victim as on 25.12.2023. It has come on record that just one day before the occurrence, the petitioner and the victim had talked for eight times and it is submitted by learned State counsel that all these calls were made by the petitioner. Though the call detail record is not present before this Court at this stage but it has also been submitted that on 25.12.2023 also, it was the petitioner who had made call to the victim. The petitioner is apprehending his arrest in respect of an offence punishable under Section 306 of IPC wherein it is alleged by the prosecution that the victim had committed suicide piqued by the petitioner and due to being harassed and insulted by him. There is specific reference to the petitioner as a cause for suicide of the victim. Though he has joined the investigation but in my considered opinion, he will certainly be required for the purpose of further custodial interrogation and for effecting investigation into the crime as there are matters which might be within his exclusive knowledge which led to the unfortunate death of the victim. The possibility of a different cause for the suicide is not revealed from the material available on record. Accordingly, keeping in view the nature of the offence, the specific allegations levelled against the petitioner that harassment at his hands resulted into the death of the victim, in my opinion, no ground is made out to grant the relief of

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anticipatory bail to the petitioner at this stage. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. More so, no extraordinary circumstance entitling the petitioner to seek pre arrest bail has been made out. Rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, the petition is dismissed.

6. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

	(MANISHA BATRA)
	JUDGE
02.04.2024	
manju	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No