

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-26521-2023
Date of decision: 14.03.2024

JITENDRA KUMAR

...PETITIONER

V/s

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Deepender Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. M.R. Sharma, Advocate
for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.176 dated 13.03.2023, registered for the offences punishable under Sections 302, 498-A, 34 of IPC at Police Station Ballabgarh City, District Faridabad, Haryana.
2. On 05.09.2023, the following order was passed:-

“On 25.05.2023, a co-ordinate Bench of this Court has passed the following order:-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.176 dated 13.03.2023 under Sections 302, 498-A, 34 IPC registered at Police Station, Ballabgarh City, District Faridabad.

2. Learned counsel for the petitioner contends that deceased was married to the petitioner in 2013 and three children born out of the wedlock. She committed suicide on 13.03.2023 leading to lodging of the FIR in question on a complaint by her father alleging that his daughter was killed, and later shown to be hanged. By referring to the MLR (P-2), learned counsel contends that the Board of Doctors has opined that the cause of death was antemortem hanging, which falsifies the complainant's version. He has also referred to the suicide note recovered on 13.03.2023 (Annexure P-3), wherein it is recorded that the deceased committed suicide due to her own mistakes and no family member is at fault for that.

3. *Learned State counsel appearing on advance notice submits that FSL report regarding the suicide note is awaited, and it will take about two weeks.*

4. *Notice of motion.*

5. *Ms. Mahima Yashpal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.*

6. *Adjourned to 11.07.2023.*

7. *In the meanwhile, petitioner's arrest shall remain stayed."*

Learned State counsel submits that the FSL report is still awaited in the present matter in respect of suicide note. Learned counsel for the complainant submits that as per Medico Legal Report, there was even a head injury on the skull of the deceased.

Learned counsel for the petitioner states that the petitioner is ready and willing to join the investigation.

I have heard learned counsel for the parties.

Adjourned to 12.12.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

1. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

2. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer

3. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing."

3. Learned State counsel, on instructions from P/SI Kapil, has stated that pursuant to the order dated 05.09.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 05.09.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

March 14, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No