

CRM-M-30938 of 2024
CRM-M-30945 of 2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230 (2 cases)

2024:PHHC:089518



CRM-M-30938 of 2024
Date of Decision:- 17.07.2024

Krishna Ganeriwal

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-30945 of 2024
Date of Decision:- 17.07.2024

Pankaj Jain

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gorav Kathuria, Advocate,
Mr.Prateek Yadav, Advocate
for the petitioners.

Mr.Gagandeep Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

- Both the aforesaid petitions are disposed of with a common order as they have arisen out of the same FIR. For brevity, the facts have been taken from CRM-M-30938 of 2024.
- In the aforesaid petitions, the petitioners have sought concession of regular bail in case FIR No.200 dated 24.05.2024 under Sections 306, 34, 365, 506 IPC, registered at Police Station Sarai Khawaja, District Faridabad.
- Learned counsel for the petitioners have at the outset drawn the attention of this Court to the contents of the FIR which was registered at the

instance of the son of the deceased. It has been asserted by the counsel that perusal of the allegations leveled in the FIR clearly reveals that the petitioners have not been named therein nor is there any specific allegation leveled against them so as to invite the mischief of an offence under Section 306 IPC; it has been asserted by the learned counsel that the definition of '*abetment*' as provided under Section 107 of the Indian Penal Code is also not attracted in the instant case. It has been further submitted that admittedly there were no financial transactions between the deceased and the petitioners. Rather learned counsel has asserted that a perusal of the contents of the FIR reveals that if at all, offence under Section 306 of the IPC (abetment of suicide) would be attracted only qua the complainant, as it was at his instigation, his entire family had attempted to end their lives. Learned counsel has submitted that accused, Himanshu Bansal, who has been specifically named in the FIR in question and had also been named in the suicide note allegedly left behind by the deceased had since been extended the concession of bail vide order dated 01.07.2024 by the learned trial court.

4. Learned State counsel while opposing the prayer has not been able to controvert the submissions made by the opposite counsel qua there being no allegation much less by way of a whisper leveled against both the petitioners; it has also not been disputed that there were admittedly no monetary transactions between the complainant-party/deceased as well as the petitioners. However, it has been submitted that during the investigation, it came to light on the basis of CCTV footage that the co accused had come to the residence of the complainant party/deceased in a car which was

registered in the name of sister-in-law of the petitioner, Pankaj Jain. Thereafter the petitioner, Pankaj Jain was arrested and he suffered a disclosure statement nominating petitioner-Krishna Ganeriwal as an accused in the present case wherein he stated that the petitioner too was present when the security guard of the deceased was taken away from the place of occurrence. Learned State counsel on instructions has further submitted that a SIT has now been constituted in the present case and hence, it would take some time to present the final report.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding it would be apposite to mention that the allegations leveled in the FIR, which is reproduced as under:-

“It is requested that I, Anirudh Goyal son of Shyam Goyal, permanent resident of House No.406, Sector 37, Faridabad and I have set up a factory House Space Interial and E-Commerce Pvt. Ltd., in Sector 63, Noida in which, I had suffered huge losses in my company. I had owed/borrowed 50 crore rupees a year ago from Kishan, Mumbai, Swami Ji resident of Ahmedabad, who now lives in Dubai. Sunny Jain resident of Rohini, whose office is built upon the Kia Company in Prashant Vihar, Delhi Garry alias Diwan Sukh, Mumbai now living in Dubai. Apart from them, there are 10 more persons whose names I do not remember. I have mentioned everyone’s name and phone number in my suicide note. The suicide note is kept at my house. Due to the loss in the company, I could not return the borrowed money to them. Above named person’s and person names mentioned in suicide note, were calling me from different phone numbers and were pressurizing me to return the money. They threatened to kill me and my family if I did not give the money. On 23.05.2024, I, my mother Sadhna Goyal, father Shyam Goyal, wife Nidhi Goyal and my two sons Dhannajay and Divyang were at home when around 2 PM in the day, then Rocky Mehta brother of Kishan Bhai of Mumbai and Akash Oberoi came to my house and threatened me that you don’t return the money by today evening, they will kill me and my family and then both of them left. Then the same two persons

came to my house again at around 11 o'clock in the night. When I did open the door, they started pushing and shoving my guard Nanku Dubey. I saw from the top of the house that they forcefully took my guard in the vehicle and took him away. Due to which, I got scared and I did not tell anything about this to anyone and out of fear, my mother Sadhna, father Shyam Goyal, wife Nidhi Goyal and children Dhanayaj and Divyang and I consumed the intoxicating pills and then everyone cut the veins of their hands with knives and were shouted, on hearing the peoples' from neighborhood and police came, who admitted us to Asian Hospital, Faridabad for treatment, where the doctor declared my father Shyam Goyal dead. I and my family have committed this incident out of fear of Kishan Mumbai, Swami Rocky Mehta, Akash Oberoi and the names written in the suicide note, hence legal action be taken against these people."

A perusal of the FIR in question reveals that the petitioners were neither named therein, nor any allegations of abetment were leveled against them. Furthermore, as not disputed by the learned State counsel, there were no monetary transactions between the complainant party/deceased and the petitioners. The co-accused who was specifically named in the FIR in question as well as in the alleged suicide note has already been extended the concession of regular bail.

7. The petitioners, Krishan Ganeriwal and Pankaj Jain, have now been in custody for more than a month after having been arrested on 05.06.2024 and 06.06.2024 respectively. The investigation has already been transferred to SIT and would thus take time to conclude.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioners. Accordingly, the instant petition is allowed. The petitioners be admitted to bail subject to the furnishing of bail/surety bonds to the satisfaction to the trial Court/Duty Magistrate concerned.

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7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.07.2024
sd

(MANJARI NEHRU KAUL)
JUDGE

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