

216 IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-47486-2024
Date of Decision: 03.12.2024

INDRA DEVI
.....PETITIONER
VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nafeesh Ahmed, Advocate
for the Petitioner.

Mr. B.S.Virk, Sr. DAG, Haryana

SANDEEP MOUDGIL, J

1. This is first bail application filed by the petitioner under Section 438 of the Code of Criminal Procedure, with a prayer to grant her anticipatory bail in the case arising out of FIR No.376 dated 20.11.2023, Annexure P-1, under Section 306 of the Indian Penal Code, registered at Police Station, Dharuhera, District Rewari, Haryana.
2. Factual matrix of the case unfolds that an FIR bearing FIR No.354 dated 30.10.2023 under Section 147, 148, 323, 376 & 506 IPC was registered at Police Station Dharuhera, Rewari, against the complainant's husband – Krishan Kumar, on the complaint of the present petitioner. It is alleged by the petitioner that the present FIR is the counter blast to the FIR mentioned above wherein the allegation in the present FIR, against the petitioner by the complainant who is widow of Krishan Kumar, since deceased, is that the petitioner had been threatening the deceased Krishan Kumar and demanding an amount of Rs.20.00



lacs as extortion and also threatening him to defame him. Her husband due to this harassment has committed suicide by jumping from the second floor of the house. The deceased has left behind a written note also before committing suicide wherein he has specifically and categorically named the petitioner as responsible for his death.

3. It is contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. The allegations against the petitioner are totally false and baseless because petitioner had never visited the place where the husband of the complainant committed suicide. The deceased was a police official and on 19.10.2023, the husband of the complainant committed rape upon the petitioner and gave beatings to her and her husband and in this regard, FIR No.354 dated 30.10.2023 under Section 147, 148, 323, 376 & 506 IPC was registered at Police Station Dharuhera, Rewari, against the complainant's husband as such there was no reason for the petitioner to instigate or abate the deceased. It is out of this anguish, the complainant has falsely implicated the petitioner by levelling false allegation of demanding 20 lacs of rupees from the complainant's husband, due to which he committed suicide.

4. Vide order dated 11.11.2024, this Court had called for the status cum compliance report by way of affidavit of Dr.Ravinder, HPS, Deputy Superintendent of Police, Rewari, District Rewari, which has been filed in the registry and is available on the case file.

5. The affidavit filed by Dr.Ravinder, HPS, Deputy Superintendent of Police, Rewari, has been perused. It is informed that the complainant has specifically alleged that her husband had committed suicide due to the threats extended by the petitioner herein and on the basis of aforesaid allegations,



present FIR was registered and matter was investigated. During the course of investigation, post mortem examination was got conducted at General Hospital, Rewari and suicide note was recovered by the police and was sent to RFSL, Bhondsi, for getting the admitted handwriting of the deceased compared and as per RFSL report dated 11.06.2024, Annexure R-1, the handwriting on the suicide note tallied with the admitted signatures of the deceased. The investigations also revealed that under the garb of the FIR got registered by the petitioner, she had been black-mailing the deceased with a view to extort Rs.20 lacs and due to the repeated extortion calls of the petitioner, the deceased had taken extreme step of committing the suicide. A raid was conducted at the residential place of the petitioner on 29.06.2024 but she was not found present, however, a notice was served upon the petitioner, through her father, who assured to produce the petitioner on 07.07.2024 but the petitioner has not joined investigations so far and is evading her arrest in this case.

6. The learned State counsel in view of the strength of above contents of above affidavit of the Deputy Superintendent of Police, Rewari, prays for dismissal of the present petition.

7. Heard both sides and case file also perused with the able assistance of learned counsel for both the sides.

8. No straight-jacket formula can be laid down to find out as to whether in a given case there has been instigation which forced the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the totality of circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide. Thus, to



constitute "instigation", a person who instigates another has to provoke, incite, urge or encourage doing of an act by the other by "goading" or "urging forward". The dictionary meaning of the word "goad" is "a thing that stimulates someone into action: provoke to action or reaction" In other words, in order to prove that the accused abetted commission of suicide by a person, it has to be established that: (i) the accused kept on irritating or annoying the deceased by words, deeds or wilful omission or conduct which may even be a wilful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or wilful omission or conduct to make the deceased move forward more quickly in a forward direction; and (ii) that the accused had the intention to provoke, urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of mens rea is the necessary concomitant of instigation.

9. Undoubtedly, in the instant petition, the allegation in the present FIR, is that the petitioner had been threatening the deceased Krishan Kumar and demanding an amount of Rs.20.00 lacs as extortion and also threatening him to defame him and due to this harassment, the deceased has committed suicide by jumping from the second floor of the house. The deceased has left behind a written note also before committing suicide wherein he has specifically and categorically named the petitioner as responsible for his death. Moreover, handwriting on the said note much less suicide note is found to be of the deceased only, as per RFSL report, (Annexure R-1) which compels this court to state that the petitioner left no stone unturned to have abetted in doing a thing. Thus, these circumstances in no manner leave any doubt to disbelieve the complainant version and dismiss the present petition for want of custodial

interrogation of the petitioner which she has been evading despite receiving notice.

10. In view of the above discussion and keeping in view the seriousness and gravity of allegations, this Court finds this petition being devoid of merits and dismiss the same.

11. Dismissed.

03.12.2024
anuradha/Poonam Negi(v)

(SANDEEP MOUDGIL)
JUDGE

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