

CRM-M-51727-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51727-2024
Date of Decision : 19.11.2024

Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Anmol Malik, DAG Haryana

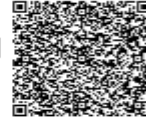
Mr. B.S. Sewak, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.163 dated 30.08.2024 under Sections 108, 3(5) of BNS, 2023 registered at Police Station Sadar Bahadurgarh, District Jhajjar, the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail.

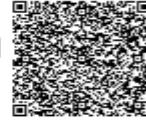
2. The contents of the above-mentioned FIR are reproduced herein below :-

“To, The SHO Sahab. P.S. Bahadurgarh. Sir, It is submitted that I. Keshar Devi wife of Krishan Lal, am resident of Kabadi Road, Bharat Nagar, Panipat now residing house number 712, Gali No. 01. Sangrur, Punjab. I had two sons, in which elder son Rajesh had died about 11 years ago and younger son Suresh, who was residing H. No. 112, Indira Garden near ITS Workshop Road, Yamuna Nagar. Who is having two children i.e. son is namely Love and daughter Madhavi. Suresh's wife



Hema Had performed love marriage with my nephew Lovely @ Midda @ Monu son of Rampal, resident of Kamopura, District Karnal now resident of Mata Mandir Wali Gali, Kashmiri Colony Balaur, Bahadurgarh about 1 ½ years ago. Both children were residing with Hema at Bahadurgarh from last one and half month. Today, on 30.08.2024, my son Suresh had come to Bahadurgarh to meet to his children. At about 9:00 o'clock morning, my granddaughter Madhavi telephonically told me that Lovely, Ajay and Hema have beaten my son Suresh. Thereafter, Suresh has consumed Sulphas having with him. My son had also uploaded a video today morning at my phone, in which he was saying that Ajay, lovely and his wife Hema have harassed him and I am consuming Sulphas and threatening me. Uncle's (Mama's son) Monu and his brother and my wife are saying that they would not let him work and would run over the truck on his car. I am worried due to this. I can't alive due to this. My granddaughter told me that I am bringing my father to PGIMS Rohtak in an Ambulance and you come to Rohtak. I immediately reached at PGIMS Rohtak by arranging vehicle. My son Suresh has died by consuming Sulphas due to harassment of above Monu @ Lovely, Ajay and Hema. Strict legal action will be taken against above all the accused persons. I have submitted my complaint to you at emergency gate of PGIMS Rohtak. Sd/- Complainant Keshar Devi w/o Krishan Lal, resident of Kabadi Road, Bharat Nagar, Panipat now residing House number 712, Gali No. 01, Jeevan Nagar, Sangrur, Punjab. Mob. 8572874320. Dt. 30.08.2024."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It has been argued that as per the FIR version the petitioner alongwith his brother Lovely and Hema had beaten son of the complainant namely Suresh (now deceased) and due to that Suresh consumed Sulphas (poisonous substance). He further submits that *prima facie* offence under

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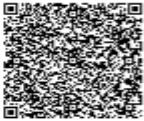
Sections 108 and 3(5) of BNS is not made out against the petitioner as the petitioner has neither abetted the deceased to commit suicide nor provoked to do so nor has any role to play in said unfortunate incident of suicide. Only fault of the petitioner is that he is younger brother of Lovely, who had helped wife of deceased after leaving matrimonial house.

4. Per contra, learned counsel for the complainant and State counsel oppose the prayer made by learned counsel for the petitioner and submit that the petitioner has been specifically named in the FIR. It has also been stated that during the course of investigation on 30-08-2024, complainant produced a pen drive to investigating agency which was taken into possession vide recovery memo, on the perusal of which it was revealed that two videos were sent by deceased on complainant's mobile phone wherein the deceased has specifically named petitioner Ajay, co-accused Lovely and his wife Hema for harassing him and he has committed suicide due to this harassment.

5. Learned State counsel has also placed on record copy of the statement of Madhvi D/o Suresh recorded under Section 183 of BNSS before the learned Area Magistrate in which it has been specifically stated that the petitioner and his co-accused constantly threatened her father, due to which her father consumed poisonous substance in her presence after which they rushed him to the hospital wherein his father expired.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. There are serious allegations leveled against the petitioner. The petitioner has been specifically named in the FIR. Even in the statement of daughter of the deceased Suresh recorded under Section 183 of BNSS before the



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learned Area Magistrate, specific role has been assigned implicating the petitioner. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

- 7. The petition is dismissed.
- 8. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.11.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No