

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-57091-2023 (O&M)
Date of Decision: 08.01.2024

Narinder Singh @ NareshPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MS. JUSTICE MANISHA BATRA

Present: Mr. Navraj Singh Mahal, Advocate, for the appellants.

Mr. R. S. Khaira, DAG, Punjab.

MANISHA BATRA, J.(ORAL)

1. The prayer in the present petition filed underSection 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0067 dated 18.07.2023, under Section 306 of the IPC, registered at Police Station Division Lohian, Jalandhar Rural, District Jalandhar, Punjab.
2. The facts relevant for the purpose of disposal of this petition are that on 15.07.2023 on receipt of information regarding suicidal death of one Sujan Bala having taken place at Mohalla Valmiki, Lohian Khas, District Jalandhar, a police party had reached there wherein the dead body of the victim was kept found. The statement of mother of the victim had been recorded as per which, no offence had been made out. Inquest proceedings under Section 174 Cr.P.C. were conducted. On 16.07.2023, a supplementary statement was recorded by the said Nargis alleging therein that the victim was married with the petitioner on 24.07.2022. On 15.07.2023, the petitioner had called her and told her that the victim was depressed and had hanged herself with a ceiling fan and had died. She alleged that in fact, her suicide had been abetted by the petitioner and his family members who used to demand dowry

and extend beatings to her and thereby mentally harassed her. A case under Section 306 of IPC has been registered on the basis of supplementary statement and investigation is going on.

3. This petition has been filed and learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the victim was in depression as she had no child. Even she was on medication for depression. From the allegations as levelled, no case for abetting the suicide of the victim has been made out against him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be given concession of anticipatory bail.

4. Status report has been filed by the respondent/State as per which, the information that the victim was suffering from depression had been given by the petitioner himself to her sister and it was only due to that reason, no FIR was got registered on the day of her death. After making inquiries and during the course of investigation, it was revealed that the victim had been harassed at the hands of petitioner and her family members. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the material placed on record.

6. The victim had died a suicidal death within one year of her marriage with the present petitioner. However, at this stage, there is no material on record to show that she was suffering from any kind of mental depression or was under treatment for the same. Learned counsel for the petitioner has argued that custodial interrogation of the petitioner is not required. However, that alone cannot be a good ground to grant anticipatory bail as observed by Hon'ble Supreme Court in *Sumitha Pradeep v. Arun*

Kumar C.K. and another : 2022 (4) R.C.R. (Criminal) 977. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses and likelihood of fleeing justice. The Courts are required to be guided by consideration such as nature and gravity of the offences, the role attributed to the applicant and the facts of the case, while considering whether to grant anticipatory bail or refuse it and it is a matter of discretion to grant or not to grant bail. Reference in this context can be made to **Sushila Aggarwal and others v. State (NCT of Delhi) : (2020) 5 SCC 1**, wherein Hon’ble Supreme Court had observed so. Applying the aforementioned conditions to the present case and keeping in view the nature of the offence alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that for conducting thorough investigation in the matter, the custodial interrogation of the petitioner is required. More so, no sparing or extraordinary circumstance has been made out entitling him to seek concession of pre-arrest bail as a matter of right. Accordingly, the petition is dismissed.

(MANISHA BATRA)
JUDGE

08.01.2024
Anil/Waseem

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