

2024.PHHC:142085



132

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54311-2024
DECIDED ON: 29.10.2024

RAMESH KUMAR BHATI @ RAMESH KUMAR @ OTHERS
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Grover, Advocate for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the
grant of anticipatory bail to the petitioners in FIR No.111 dated 08.04.2024, under
Section 306 IPC, 1860, registered at Police Station Zirakpur, District SAS Nagar,
Mohali.

2. Facts

Prosecution story set up in the present case as per the version narrated
in the FIR read as under :-

*“Copy statement, statement of Des Raj son of Sh. Parshadi Lal resident
of village Mohna P.S. Chhaisa District Faridabad, Haryana aged 57
years, Phone No.9813173752, stated that I am resident of above
mentioned address. I am • doing labour work. My son Sukhbir son of
Desh Raj resident of village Mohna P.S. Chhaisa District Faridabad
Haryana at present H.No.120, First Floor, Saini Vihar, Phase-01,
Baltana P.S. Zirakpur District S.A.S. Nagar aged about 32 years, who
is serving in Animal Husbandary, Panchkula, Haryana. Who is
married to Renu daughter of Ramesh Kumar Bhati resident of Adarsh
colony, behind Bansal Nursing Home, Gali No.2, District Palwal,*

Haryana in the month of December 2018, who is having a child namely Garvit aged about 4 years. On dated 07.04.2024 I received an information that my son Sukhbeer has committed suicide by hanging himself with the ceiling fan. I want to inform you that my son Sukhveer and his wife Renu above were always quarreling with each other. Renu said to my son that I do not want to live with you. Give me Rs.20 lacs only then I will stay with you. And the parents of Renu were also torturing my son Sukhveer and threatened that we will get dismiss you from the job. They were compelling my son Sukhveer for committing suicide. A complaint against them was also given at Police Station Baltana on dated 31.08.2022 that if my son Sukhveer will commit suicide then Renu and her parents will responsible for the same. Once wife of my son Sukhveer was come to our village alongwith my son Sukhveer, where Renu has quarreled with us that give me Rs.20 lacs otherwise I will commit suicide and will implicate us in the case, we could not give Rs.20 lacs. Then I gave complaint at police station Chhaisa then SHO after sending lady staff brough Renu to the police station. SHO called her parents to the police station and sent Renu alongwith her parents. After reaching her parental home, Renu has filed false complaint in women police station and case in family court and in the Sessions Court against my son Sukhveer and my son Sukhveer was facing problems in pursuing cases at Panchkula and Palwal courts. Which is at a distance of 500kms from Panchkula, my son was facing problem in doing hos job. My son was facing very harassment. The in laws of my son have moved an application at Panchkula in his office and got stopped his salary also and my son Sukhveer said me telephonically and by visiting at my village that I am very upset from the harassment of my wife and her parents and her brother, I will commit suicide due to harassment by my wife, her parents and her brother. Renu and her parents and her brother have compelled my son Sukhveer to commit suicide. Legal action may be taken against all the above persons. My son Sukhveer has commit suicide by hanging himself with the ceiling fan. Statement has been recorded to you. Heard it and is correct.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners submits that the petitioner No.4 was married to Sukhveer-Deceased and was not residing with the deceased husband, as she left the house on 20.11.2023 itself, whereas the deceased husband committed suicide on 07.04.2024 primarily being under stress and depression on account of inability to repay the heavy debt, which was borrowed for various persons accruing to the tune of Rs.13,13,516/- and there was an overdue to the tune of Rs.5,05,816/-.

Notice of motion.

On behalf of the respondent/State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab accepts notice on behalf of respondent/State and does not controvert the aforesaid facts rather submits that there is no suicide note and no incriminating material is coming forth to implicate the present petitioners and in fact corroborates the matrimonial discord between the deceased and petitioner No.4, whereby the petitioner No.4 has already filed a petition under Section 125 Cr.P.C., against the deceased.

4. Analysis & Decisions

Be that as it may, considering the fact that the petitioner No.4 is not residing with the deceased, therefore abetment cannot be attributed to the present petitioners, as argued by the learned counsel for the petitioners and taking note of the factual aspects that the deceased was under the immense stress on account of heavy debt, this Court finds no reason to deny the petitioners the concession of anticipatory bail wherein the petitioners have bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioner do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

29.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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