

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60856-2023 (O&M)

Reserved on: 12.03.2024

Date of Decision:- 20.03.2024

VISHAL KESHTA

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Ms. Anupama Sharma, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

Mr. Saurabh Arora, Advocate,
for the complainant.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 219, dated, 30.10.2023, registered at Police Station Dujana, District Jhajjar, under Section 306 of the Indian Penal Code, 1860 (for short '*the IPC*').
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. There is not even a single allegation against the petitioner regarding abetment, as such, the commission of the offence under Section 306 of the IPC has not been made out. The petitioner is living in Shimla, whereas the deceased committed suicide in Jhajjar. The distance between Shimla and Jhajjar about 350-400 kilometers. Hence, the petitioner has not influenced the life of the deceased in any way. He is ready to join the investigation.
3. Learned State counsel has opposed the petition, on the ground

of gravity of allegations and it is contended that the investigation is at the initial stage. Referring to the status report, dated 14.12.2023, filed by way of an affidavit of Sh. Pardeep Kumar, HPS, Deputy Superintendent of Police, HQ, District Jhajjar, it was contended that during the investigation, call detail record of mobile numbers 94182-83711 and 78074-58711 pertaining to the deceased and mobile number 83508-06465 pertaining to the petitioner were obtained. As per the mobile call details, there were repeated and regular conversations between the deceased and the petitioner on the said numbers. The mobile phone and the tab of the deceased has been deposited in CFSL, Panchkula and the viscera samples were deposited in RFSL on 23.11.2023, however, the reports are still awaited. Custodial interrogation of the petitioner is required.

4. I have considered the aforesaid contentions and perused the record.

5. As per the FIR, an information was received from xx College (name withheld), Jhajjar, that on 29.10.2023, a student has committed suicide. Upon visiting the said college, the investigating officer found that dead body of the victim xxx (name withheld) was hanging to the ceiling fan in a room in Girls Hostels in the said college. One notebook and one page in Red colour handwriting was recovered from the room of the deceased. The FSL team also took into possession the mobile phone and the tab of the deceased. On the next day, i.e. 30.10.2023 the father of the deceased made a complaint that the classmates of his daughter have been informed that the petitioner Vishal Keshta who is from Shimla used to harass and tease the victim, as such, she was very upset and committed suicide.

6. As per the status report, there are repeated calls *inter se* the petitioner and the deceased on their mobile phones. It has been noticed by the Additional Sessions Judge that there more than 100 calls which have been exchanged between the petitioner and the victim. The report of viscera is still pending. The FSL report qua the mobile and tab is also pending. The investigation is at the initial stage. The statements of the classmates of the deceased and hostel staff members have been recorded during investigation.
7. Keeping in view the totality of the circumstances, the investigation cannot be nib-bed at the initial stage. The custodial interrogation would be beneficial for the investigating agency to unearth the real cause of the death of the victim.
8. Keeping in view the facts and circumstances of the case, no ground is made out to grant discretionary relief to the petitioner under Section 438 of the Code, especially, keeping in view the numerous calls *inter se* the deceased and the victim.
9. Consequently, the petition stands dismissed.
10. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be gone into by the learned trial Court wholly on the basis of evidence led/gathered before it.
11. Pending miscellaneous applications, if any, also stand disposed of.

March 20, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether Reportable

Yes/No

Yes/No