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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53432-2024 (O&M)
Date of Decision:- 28.01.2025

SUNIL ALIAS RAHUL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

Mr. Deepak K. Sharma, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. Learned State counsel has filed the affidavit of Director General of Police, Haryana dated 27.01.2025, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
206	08.09.2024	108 and 3(5) of BNS	Uklana, District Hisar, Haryana

4. Learned counsel for the petitioner has submitted that in



compliance to the order dated 02.12.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

5. Learned State counsel while referring to para 3 (b) of the aforesaid affidavit filed by Director General of Police, Haryana and on instructions received from SI Randhir has stated that the petitioner has been found innocent during investigation and he is no more required for any custodial investigation in this case nor he is required for further investigation.

6. Heard.

7. During the course of hearing on 02.12.2024, the following order was passed:-

“3. It is inter alia the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case on account of the fact that sister of the complainant had been in live-in-relationship with him out of her free will. He contends that on account of the demise of Vijay Singh, the instant FIR was registered against the petitioner on the allegation that he had been making the photographs of the sister of the complainant viral on Instagram and due to that the deceased had committed suicide. He contends that the allegation in this regard are totally unfounded because the sister of the complainant had been in live-in-relationship out of her free will and had also executed documents i.e. duly sworn affidavit dated 11.06.2024 in this regard.

4. Learned counsel for the petitioner further contends that the deceased had in fact, written a suicide note wherein, he has nominated certain persons due to the harassment caused by them, he had committed suicide. The copy of this suicide note is annexed with reply filed by the State as Annexure R-2. He contends that the police is not taking action against the real culprits but is harassing the petitioner without any rhyme or reason, on bare oral allegations ignoring the hand written suicide note of the deceased.

5. The learned State counsel assisted by learned counsel



for the complainant has opposed the bail by submitting that the petitioner is named in the FIR, however, they admit that the suicide note dated 07.09.2024 has been recovered after the FIR was registered vide recovery memo dated 09.09.2024, wherein the petitioner is not named nor is there any allegation about the alleged Instagram concerning the sister of the complainant, levelled by the deceased.

6. The SHO as well as the Investigating Officer of the case present in Court have admitted this aspect that in the suicide note there is no attribution to the petitioner by the deceased.

7. On query to the Investigating Officer as to why no action has been taken against the persons named in the suicide note, he stated that one Heena and Mukesh named in the suicide note had been joined in investigation on 21.09.2024 but no action against them had been taken. On further query as to whether on receipt of suicide note, the persons mentioned therein as alleged culprits had been nominated or not, it is stated that no action on that basis has been taken.

8. It is strange to note the working of the police wherein despite specific suicide note having been recovered, no action is taken against the culprits mentioned therein, while on the basis of suspicion levelled by the brother of the deceased orally, the police has nominated the present petitioner as accused, whereas no allegation finds mention against the petitioner in the alleged suicide note written by the deceased dated 07.09.2024. Even for that matter, there is no mention of alleged Instagram, to be a cause for him to commit suicide.

9. Faced with this situation, Director General of Police, Haryana is directed to examine the case thoroughly and to submit his detailed affidavit into the matter after taking appropriate legal action against the erring officials under intimation to this Court within 03 weeks from today.

10. In the meanwhile, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) of BNSS, 2023.

11. List on 14.01.2025.”

8. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 02.12.2024 passed by this Court, interim bail



granted vide order dated 02.12.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

28.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |