

(2011) 11 P&H CK 0146

High Court Of Punjab And Haryana At Chandigarh

Case No: Case No. Criminal Miscellaneous No. M-30898 of 2011

Naresh and others

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Nov. 4, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 306, 34

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Hon"ble Mr. Justice L.N. Mittal

1. Accused Naresh, his wife Babita and their sons Rahul and Rohit have filed this petition for anticipatory bail in case FIR No. 83 dated 19.06.2011, under Sections 306 and 34 of the Indian Penal Code, registered at Police Station Farrukh Nagar, District Gurgaon.

2. I have heard Learned Counsel for the parties and perused the case file.

3. Shamsher Singh deceased was married on 21.11.2008 with Indu, who is daughter of petitioners no. 1 and 2 and sister of petitioners no. 3 and 4. Shamsher committed suicide on 19.06.2011. His father lodged FIR alleging that petitioners and Indu forced the deceased to commit suicide. Suicide note was also recovered.

4. Learned State counsel, on instructions from ASI Mahinder Singh, stated that as per report of Handwriting Expert from Forensic Science Laboratory, Madhuban, the suicide note has been found to be in the handwriting of the deceased.

5. Learned State counsel has read the contents of the suicide note. The deceased has blamed his in-laws for his suicide. However, in the suicide note, he has

specifically mentioned the name of Naresh ♀ petitioner no. 1 and Indu ♀ non-petitioner. Names of petitioners no. 2 to 4 have, however, not been mentioned in the suicide note.

6. Keeping in view the aforesaid, but without meaning to express anything on merits, I am of the considered opinion that petitioners no. 2 to 4 deserve the concession of anticipatory bail, but petitioner no. 1 does not deserve the said concession.

7. Accordingly, the instant petition for anticipatory bail qua petitioner no. 1 is dismissed. However, the instant petition qua petitioners no. 2 to 4 is allowed. In the event of arrest, petitioners no. 2 to 4 shall be released on bail, to the satisfaction of the Arresting Officer, subject to the conditions specified in Section 438(2) of the Code of Criminal Procedure. They shall join investigation as and when required by the police. Presently, petitioners no. 2 to 4 are directed to join investigation on 16.11.2011 at 10:00 A.M. and continue to do so as and when required by the police.