

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M- 21521 of 2011 (O&M)
Date of decision: 29.7.2011

Manoj

.. Petitioner

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General,
Haryana.

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Rajesh Bindal J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner (husband of the deceased), who died of hanging.

Learned counsel for the petitioner submitted that the petitioner is MBBS doctor in government service. The deceased was working as a nurse in the same hospital. On account of love affairs, they solemnised marriage against the wishes of their family members on 14.2.2010. After some time, the family re-conciled and a formal function was held on 18.7.2010. Ever since the marriage, the couple was residing separate from their family members. On 31.10.2010, wife of the petitioner committed suicide by hanging herself. The incident was informed to the police. When the body of the deceased was removed from the rope, a suicide note was found from her possession specifically mentioning therein that she was committing suicide with her own will and no one was responsible for the same, i.e., neither the petitioner and her in-laws nor her family members. Immediately after the incident, the petitioner suffered a shock resulting in depressive disorder. He remained under treatment in PGIMS, Rohtak as indoor and outdoor patient. Now he has been referred to Human Behaviour and Allied Sciences Institute, New Delhi, where he is admitted in ICU

since 24.7.2011. The events subsequent to the death of her wife and the background of the case where the parties had solemnised marriage against the wishes of their family members, the petitioner being a doctor and the deceased being a nurse in the same hospital, the petitioner cannot be said to be guilty for the suicide committed by his wife.

Learned counsel for the State, on instructions from ASI-Dharam Singh, did not dispute the fact that suicide note was recovered from the possession of the deceased. The handwriting and the signatures of the deceased on the suicide note were got matched from the sample signatures and the handwriting from FSL, Madhuban and the report is that the signatures and the handwriting on the suicide note is of the same person who had written it. He further admitted the fact that the petitioner had been admitted in PGIMS, Rohtak for depressive disorder and had also been attending the hospital in OPD. Lately, he remained admitted from 18.7.2011 to 22.7.2011. He further submitted that information thereafter is not available with him as the Investigating Officer is not well. However, as already mentioned above, learned counsel for the petitioner stated that on 22.7.2011, the petitioner was referred to specialized institute and since 24.7.2011, he is admitted in Human Behaviour and Allied Sciences Institute, New Delhi.

After hearing learned counsel for the parties and considering the facts, as narrated above, in my opinion, the petitioner deserves the concession of pre-arrest bail. In case of arrest, the petitioner shall be released on furnishing of bail bonds to the satisfaction of the Arresting/Investigating Officer. He shall appear before the Investigating Officer as and when called upon for further investigation. He shall also be bound by all the conditions as contained in Section 438(2) Cr.P.C.

The petition stands disposed of.

(Rajesh Bindal)
Judge

29.7.2011
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