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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-8661-2025 (O&M)

Date of decision: 12.05.2025

Mahipal Garg and another**...Petitioners****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Saurabh Sharma, Advocate
for the petitioners.

Mr. Apoorv Garg, Senior DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks anticipatory bail in case FIR No. 189, dated 20.06.2024, registered under Section 306 of IPC at Police Station Naraingarh, District Ambala.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of the statement recorded by complainant Ankur Jindal alleging that his younger brother Vinay Jindal was married with Nidhi Garg, who was daughter of the present petitioners. It was a love marriage. A male child was born out of the wedlock. The petitioners and their second daughter Rupali Goyal had been pressurizing Nidhi to give her child to them. They also used to keep on taking money from Nidhi. On being so pressurized, Nidhi ended her life on 24.04.2024 by committing suicide. Vinay was quite upset due to the death of

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Nidhi. An FIR under Section 304-B of IPC was got registered by the present petitioners against Vinay and other family members of the complainant. On 19.06.2024, Vinay consumed some poisonous substance and ended his life. He had prepared a video holding the petitioners responsible for his death. On the basis of his statement, the present FIR has been registered. Investigation proceedings have been initiated and are under way. Apprehending their arrest, the petitioners had moved an application before the Court of learned Additional Sessions Judge, Ambala for grant of anticipatory bail but the same had been dismissed, vide order dated 06.02.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. In fact, the FIR of this case is a counter-blast to the FIR, which has been lodged against the family members of the complainant. Soon after the marriage of their daughter Nidhi with Vinay, his family members and himself had been harassing her as they were not happy with the dowry given at the time of marriage. She was taunted. The complainant used to record the video of the activities of Nidhi and also used to instigate her husband Vinay to enter into altercation with her. Demands for various items in the name of *Shagun* had been raised by her husband. Nidhi had even filed a complaint qua behavior meted out at the hands of her family members. It was on account of the pressure and harassment exerted by them that she was compelled to kill herself. Her husband had committed suicide on 19.06.2024. They have no hand in his suicidal death. There had been never any abetment on their part. The allegations in the FIR, on the basis of the record, do not make out any case for commission of offence of abetment to

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commit suicide by victim Vinay. Rather, they themselves are the victims as their daughter has died a suicidal death. Their custodial interrogation is not required. They are ready to join the investigation. No recovery is to be effected from them. No useful purpose would be served by sending them into custody. Therefore, it is urged that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Haryana has argued that there are serious and specific allegations against the petitioners, who were parents-in-law of deceased Vinay. Just prior to committing suicide, the victim had prepared a video recording saying that previously his wife and he himself was pressurized by the petitioners to give custody of his son to them. There is sufficient material on record to show that the petitioners abetted the suicide by the victim. For conducting thorough and proper investigation in the matter, their custodial interrogation is must. No extraordinary circumstance has been made out for allowing the petition. Hence, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioners, who were parents-in-law of victim Vinay, are alleged to have abetted his suicide. A pen drive containing the alleged video recording of the victim has been placed on record as Annexure R/2 and this video recording has been seen by this Court by playing the same on the computer of the Court. The victim is shown to be making specific allegations that previously his wife and now he himself was being pressurized by the

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petitioners to give custody of their son to them/their second daughter Rupali. Given the nature of the allegations against the petitioners, thorough and proper investigation is required to be conducted in the matter and for that purpose, custodial interrogation of the petitioners is must. Even otherwise, no exceptional or extraordinary circumstance for grant of anticipatory bail has been made out in favour of the petitioners. It is well settled law that the powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioners to seek concession of pre-arrest bail has been made out rather their custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.05.2025

*Wasem Ansari***(MANISHA BATRA)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*