

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CRM No.M-25536 of 2015

Mukesh Luthra @ Mukesh Kumar

...Petitioners

Versus

State of Haryana

...Respondent

(2)

CRM No.M-28808 of 2015

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: September 18, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Bains, Advocate
for the petitioner (in CRM No.M-25536 of 2015).

Mr.Arjun Sharma, Advocate for
Mr.A.R.Takkar, Advocate
for the petitioner (in CRM No.M-28808 of 2015).

Mr.Anmol Malik, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together
being arisen from same FIR.

Petitioners have filed these petitions under Section 439

Cr.P.C. for grant of regular bail in case FIR No.365 dated 28.11.2013

under Sections 306 and 120-B IPC, registered at Police Station Parao, Ambala Canntt. District Ambala.

Notice of motion was issued and learned State counsel appeared and contested both the petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been registered on the statement of Dhan Singh regarding committing of suicide by ASI Karan Singh. The main allegation is that one Balvinder Kaur was harassing him at the instance of Anil Rana, Inspector Suresh, ASI Jagmal Singh, Journalist Amit and Mukesh Luthra and lady Constable Sangeeta. It has been brought to my notice that co-accused Balvinder Kaur, Anil Rana, ASI Jagmal Singh and Journalist Amit have already been released on bail by the Co-ordinate Bench. The main accused in this case is Balvinder Kaur. The allegations against the present petitioners Mukesh Luthra @ Mukesh Kumar and Suresh Kumar are that on their instigation, Balvinder Kaur filed the applications time and again and harassed the deceased. The copy of the suicide note is also placed on the record. The perusal of the suicide note also shows that the main allegations against present petitioners are that Balvinder Kaur was harassing at their instance.

Learned State counsel argued that Suresh Kumar was earlier declared Proclaimed Offender, therefore, there is apprehension that he may abscond again.

Petitioner Suresh Kumar was the SHO and the only

allegation against him is that he has instigated Balvinder Kaur to file applications but at the same time it is in the suicide note that deceased was not posted at that time under him and he has already been transferred about 8-9 months back from the police station under the charge of Suresh Kumar SHO.

Petitioner Suresh Kumar is in custody since 11.06.2015 and petitioner Mukesh Luthra @ Mukesh Kumar is in custody since 27.02.2015. The trial of the case will take long time. The petitioners are not required for any investigation or interrogation purposes. No useful purpose will be served by keeping the petitioners in custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details, both the petitions are accepted and the petitioners Mukesh Luthra @ Mukesh Kumar and Suresh Kumar are ordered to be released on regular bail on furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount each to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ambala.

September 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE