

CRM-M-27726-2015

[1]

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

CRM-M-27726-2015

Date of decision: 07.09.2015

Vijay Kumar Tinku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. V.S. Virk, Advocate, for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

Ms. Gurpreet Kaur, Advocate,
for the complainant.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.124 dated 23.07.2015, under Sections 306 and 34 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Morinda, District Roopnagar.

Prosecution story, in brief, is that Rajesh Kumar father of the complainant had got employment at Petrol Pump of Vijay Kumar Tinku, FIR No.29 dated 26.02.2015 was registered at Police Station Morinda, under Sections 408 and 120-B, IPC, against the father of the complainant. Vijay Kumar Tinku, Rinku, Raj Kumar and Vikram Batta used to

CRM-M-27726-2015

[2]

pressurize the father of the complainant to return the money. On 22.07.2015, accused had a quarrel with the brother of the complainant Varun Sharma. On the said date at about 8:00 P.M. complainant received a call from his brother Varun Sharma that the accused had abused him and due to this reason, he was going to jump in the canal. Varun Sharma committed suicide by jumping in the canal.

Learned Senior counsel for the petitioner has submitted that at the instance of the petitioner FIR had already been registered against the father of the complainant. There was no occasion for the petitioner to have threatened the complainant party. As per the suicide note left by the deceased he had committed suicide on account of registration of the case against his father and not due to any harassment meted out to him by the accused. Petitioner could not be said to have abetted the offence of abatement of suicide by Varun Sharma as he had merely taken recourse to law by lodging an FIR against the father of the deceased qua misappropriation committed by him. The present FIR has been lodged against the petitioner to pressurize him in the case got registered by him against the father of the deceased.

While issuing notice of motion, following order was passed by this Court on 20.08.2015:-

“Notice of motion for 07.09.2015.

CRM-M-27726-2015

[3]

List along with CRM-M-25927 of 2015.

In the meantime, in the event of arrest, petitioners be admitted to interim bail subject to the satisfaction of the Arresting Officer. Petitioners shall abide by the conditions envisaged under Section 438 (2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the complainant has opposed the petition.

Learned State counsel who is assisted by Inspector Inderjeet Singh has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner has joined investigation and is not required for further investigation, it would be just and expedient to confirm the interim bail granted to the petitioner by this Court.

Accordingly, interim bail granted to the petitioner by this Court vide order dated 20.08.2015, is made absolute.

Petition stands disposed of accordingly.

September 07, 2015
kapil

(SABINA)
JUDGE