

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

CRM No.M-3626 of 2015

Date of Decision: 12.2.2015

Gopal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Sanjiv Gupta, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl.AG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, vide FIR No.871 dated 28.8.2014 (Annexure P1), on accusation of having committed an offence punishable under section 306 read with section 34 IPC, by the police of Police Station City, Sirsa.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this respect.
4. Precisely, the prosecution, inter-alia, claimed that on 28.8.2014, Sanjiv alias Sanjay, nephew (Bhanja) of complainant Krishan Kumar s/o Suraj Bhan (for brevity “the complainant”) had committed suicide by

consuming some poisonous substance. He was stated to have committed suicide on account of pressure of petitioner and his wife Seema, with regard to some scandal. In this manner, the accused have abetted the commission of crime. The piece of paper was stated to have been recovered from the possession of the deceased, which, according to learned counsel for petitioner, is dated 29.8.2014, whereas the deceased had committed suicide on 28.8.2014. Even the learned State counsel has not placed on record the FSL report comparing the handwriting of the deceased on the alleged suicide note till today. No other specific role or particular part is attributed to the petitioner in the FIR. In that eventuality, as to whether the penal provision of section 306 IPC is attracted to the facts, relatable to the case of petitioner or not, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of the parties by the trial Court.

5. Be that as it may, the petitioner was arrested on 20.9.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Even since the charges have not yet been framed against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as indicated here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

12.2.2015
AS