

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38462 of 2015

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Date of decision:21.12.2015

Ashwani Kumar

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. V.K. Jindal, Senior Advocate with Ms. Garima Jindal,
Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.150 dated 23.8.2015 registered for
the offences under Sections 306, 120-B and 34 IPC at Police Station Sadar,
Kapurthala, District Kapurthala.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned
Deputy Advocate General, Punjab has put in appearance on behalf of the
respondent-State and accepted notice and contested this petition. Mr.
Rajesh Kumar, learned Advocate for Mr. Manoj Kumar, Advocate has
appeared and accepted notice on behalf of the complainant. Police record is

also available.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-State and learned counsel for the complainant and have gone through the record.

From the record, I find that the main allegations are levelled against the present petitioner. As per the allegations in the FIR deceased borrowed ₹40,000/- from the present petitioner @5% interest. There are allegations that the present petitioner forged an agreement and so many other allegations are levelled against him for harassing the deceased, regarding filing of the civil suit and then the FIR and also tried to take possession of the properties etc. forcibly. The suicide note has also been recovered in which the main allegations are also against the present petitioner and one Advocate Sushil Kapoor.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offences and in view of the fact that the evidence has not been produced yet, I do not find it a fit case where the present petitioner is entitled to the benefit of regular bail.

Therefore, finding no merit in this petition, the same is dismissed.

December 21, 2015.

(Inderjit Singh)
Judge

hsp