

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-43242 of 2014

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Date of decision:20.1.2015

Ramesh

...Petitioner

v.

State of Haryana and another

...Respondents

....

(2) Criminal Misc. No.M-43289 of 2014

.....

Ramesh

...Petitioner

v.

State of Haryana and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Kharb, Advocate for the petitioner in both the petitions.

Mr. Deepak Grewal, Deputy Advocate General, Haryana for the respondent-State.

Mr. Ashit Malik, Advocate for respondent No.2 in Cr. Misc. No.M-43242 of 2014.

Mr. Namit Khurana, Advocate for respondent No.2 in Cr. Misc. No.M-43289 of 2014.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions filed under Section 439 (2) Cr.P.C. for

cancellation of anticipatory bail granted to Anil Kumar Sharma (respondent No.2 in Cr. Misc. No.M-43242 of 2014) vide order dated 15.9.2014 passed in Bail Application No.238 of 2014 and to Lakhmi Chand Sethi (respondent No.2 in Cr. Misc. No.M-43289 of 2014) vide order dated 1.11.2014 in Bail Application No.274 of 2014 by learned Additional Sessions Judge, Panipat in FIR No.56 dated 24.6.2014 registered for the offence under Section 306 IPC at Police Station GRP Panipat, District Panipat. In both petitions, anticipatory bail have been granted in the same FIR vide two separate orders, therefore, both are taken up for hearing together.

Notice of motion has been issued in these cases.

Mr. Deepak Grewal, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Ashit Malik and Mr. Namit Khurana, learned counsel have appeared on behalf of Anil Kumar Sharma and Lakhmi Chand Sethi (respondent No.2 in both the petitions) and contested these petitions.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Haryana appearing for the respondent-State as well as learned counsel for private respondent No.2 in both the petitions and have gone through the record.

From the perusal of the record, I find that the challan has already been presented in this case and charges have already been framed, though no witness has been examined. There is nothing on the record to show that any threat etc. has been given to the witnesses nor there is

anything that private respondent No.2 Anil Kumar Sharma and Lakhmi Chand Sethi in both the petitions are required for interrogation or investigation purposes or anything is to be recovered from them.

Learned Additional Sessions Judge, Panipat, while granting anticipatory bail to the private respondents has discussed the facts of the case. Respondent No.2 Anil Kumar Sharma in Cr. Misc. No.43242 of 2014 has been granted anticipatory bail vide order dated 15.9.2014, whereas Lakhmi Chand Sethi in Cr. Misc. No.M-43289 of 2014 has been granted anticipatory bail vide order dated 1.11.2014. There are no allegations since then that these respondents have misused the concession of anticipatory bail. Now as the trial is going on, these private respondents are only to appear before the Court to face the trial. The allegations against both the private respondents are that they are the officers of the deceased, who was a Postman and have given two beats to the deceased, and he committed suicide by naming both these persons in the suicide note. The fact whether it amounts to abetment to suicide or not is to be determined by the trial Court on the basis of evidence.

In the facts and circumstances of these cases, I do not find any ground to cancel the anticipatory bail of the private respondents in these petitions.

Therefore, finding no merit in the present petitions, the same are dismissed.

January 20, 2015.

(Inderjit Singh)
Judge

hsp