

CRM-M-5069-2015 (O&M)

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

**CRM-M-5069-2015 (O&M)
Date of decision: October 12, 2015.**

Didar Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Davinder Bir Singh, Advocate,
for the petitioner.**

Mr.Gazi Mohammad, DAG., Punjab.

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered on the allegations that Vishnu Kumar Jha, had committed suicide on account of abetment by the petitioner.

Counsel for the petitioner submits that there are vague allegations against the petitioner as he is merely a milkman who used to supply milk and that he has been involved in the case despite the statement of the wife of the deceased that he had a dispute with his father and brothers regarding property.

With the assistance of State counsel, I have gone through the police file which indicates that the deceased had given a dying declaration specifically mentioning the petitioner to be

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instrumental in harassing him from time to time by visiting his place of work. PWs Rakesh Kumar and Chandan Kumar have also prima facie, corroborated the said dying declaration. It will be pre-mature at this stage, to enter into the niceties of the trial by appreciating the evidence to determine whether the role attributed to the petitioner would fall into the definition of abetment under law. It will also be pre-mature to discard the dying declaration, at this stage.

Counsel for the petitioner has vehemently contended that on enquiry conducted by the Deputy Superintendent of Police, the petitioner was declared innocent but a perusal of the police file indicates that discarding the said report, the prosecution agency has formed an opinion to present challan. The report of the Deputy Superintend of Police, which has not been accepted by the higher authorities cannot be considered to be beneficial to the petitioner for grant of pre-arrest bail. The circumstances mentioned hereinabove may constitute good ground for the grant of regular bail, but no ground is made out for the grant of pre-arrest bail.

The petition is dismissed.

October 12, 2015.
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(M.M.S. BEDI)
JUDGE