

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

CRM-M-23372-2016 (O&M)
Date of decision : 05.08.2016

Sunil

..Petitioner

Versus

State of Haryana and anr.

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manish Soni, Advocate for the petitioner

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Jaswant Singh.

Mr. Vikram Sheoran, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in complaint case No.COMI 246/2014 dated 25.04.2011, filed under Section 306 of the Indian Penal Code (for short 'the IPC') read with Section 34 IPC.

The learned counsel for the petitioner contends in the FIR No.136 dated 08.07.2010, registered by respondent No.2, father of deceased-Jai Prakash, no allegation was made against the petitioner. The petitioner has been falsely implicated in the present complaint. There is no proof against the petitioner qua the instigation to commit suicide by the deceased.

On the other hand, the learned State counsel as well as the learned counsel for respondent No.2 have vehemently opposed the present

petition. The learned counsel for respondent No.2 states that co-accused, Mamta, wife of the deceased was having illicit relationship with the petitioner and co-accused, Pushkar and they usually harassed the deceased.

Heard.

The complainant did not make any allegation against the petitioner in the aforesaid FIR. The investigation agency had also found no truth in the allegations levelled by the complainant against co-accused Mamta. Therefore, the possibility of false implication of the petitioner cannot be ruled out and the act of the complainant prima facie appears to be an afterthought. In these circumstances, the present petition is allowed and in the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the arresting officer/trial Court subject to the following conditions:-

1. That he shall make himself available for interrogation by a police officer as and when required;
2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and;
3. That he shall not leave India without previous permission of the Court

05.08.2016
ashok

(JITENDRA CHAUHAN)
JUDGE