

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-5258 of 2016

Date of Decision: February 15, 2016

Purshotam

.....Petitioner

Vs.

State of Haryana and ors.

.....Respondents

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

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Present:- Mr.Dheeraj Narula, Advocate
for the petitioner.

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

Pursuant to unfortunate death of Mukesh Kumar, the brother of the petitioner, a case was registered against his maternal aunt and others alleging that she had been an instrumental in the suicide committed by Mukesh Kumar as he was upset on account of respondent No.2 having not returned the money.

With the assistance of learned counsel for the petitioner, I have gone through the contents of the FIR. As per the allegations in the FIR, the deceased had lent a sum of Rs.25 lacs to Rajesh Gandhi by pledging his jewellery. Rajesh Gandhi and his brother, Deepak Gandhi, their sister Sujata

and their mother respondent No.2 had refused to return the money to the petitioner's brother as a result of which he committed suicide. Whether the said act would fall in the definition of abetment is to be seen during the course of trial.

Learned counsel for the petitioner seeks cancellation of pre-arrest bail granted to respondent No.2 alleging that she owed a sum of Rs.4 lacs to the deceased and that only Rs.5000/- had been recovered. He has also submitted that she has tried to misuse her liberty by sending two persons to threaten the petitioner on January 14, 2016 regarding which an application annexure P-5 has been submitted to SHO, Police Station Fatehabad.

I have heard learned counsel for the petitioner and considered the merits of the case and I am of the opinion that this application could have been moved before the Sessions Court in view of the provisions of Section 439 (2) Cr.P.C. but counsel for the petitioner has submitted that the Sessions Court and High court have got concurrent jurisdiction to cancel the bail.

I have considered the facts and circumstances of the case and I am of the opinion that prima facie it is not made out that liberty has been misused by respondent No.2, a lady. In case any criminal force is being used on the petitioner, it will always be open to the petitioner to avail the legal remedy in accordance with law.

It appears that against the inaction on the part of concerned SHO, the petitioner has not made any attempt to approach the higher

authorities for seeking action against respondent No.2 for making an attempt to tamper with the evidence.

Dismissed with liberty to the petitioner to avail any other legal remedy.

February 15, 2016
sanjay

(M.M.S.BEDI)
JUDGE