

CRM-M-12075-2017

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

CRM-M-12075-2017
Date of Decision:18.08.2017

Neeraj Gakhar and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.S.Bedi, Sr. Advocate with
Mr. Nitin Thatai, Advocate,
for the petitioners.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. Premjit Singh Dhaliwal, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners-Neeraj Gakhar and Navjot Kumar Sharma have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.33 dated 16.03.2017, registered at Police Station Ghall Khurd, District Ferozepur, under Sections 306 and 34 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

CRM-M-12075-2017

From the record, I find that as per the allegations against the petitioners, they are working in Mahindra and Mahindra Financial Services Limited. The son of complainant namely Mandeep was also working there. On 09.03.2017, a complaint was received against Mandeep that he has taken the money, but has not issued receipt. When the matter was inquired, he issued the receipts on 09.03.2017, itself. The matter was reported to the Head Office. The petitioners are the Branch Accountant and ACM, respectively. Neither the petitioners have taken any action against the deceased, nor they were authorized to take action against him. As per the prosecution version, the deceased has committed suicide by throwing himself in the canal.

Learned counsel for the petitioners argued that at this stage, it is not clear that this is a case of an accident or suicide. He also argued that there is nothing on record to show any abetment to commit suicide.

In pursuance of the interim order dated 11.04.2017 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that no useful purpose will be served by sending the petitioners to custody. Therefore, finding merit in the present petition, the same is allowed. The order dated 11.04.2017, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called

CRM-M-12075-2017

upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

18.08.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No