

**Sr. No.267
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-27124 of 2016 (O&M)

Date of Decision: 30.01.2017

Suresh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Harsh Kinra, Advocate,
for the petitioner.

Mr. Deepak Grewal, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.28 dated 04.04.2015, under Sections 306/506/34 IPC, registered at Police Station G.R.P. Rohtak, District G.R.P. Ambala Cantt.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Smt. Prem Lata with regard to her husband, namely, Vijay Kumar Bajaj having committed suicide on 02.04.2015. Complainant asserted that her husband was running a medicine shop under the name and style of Bajaj Medicos at Gohana and was also doing the business of property dealer. Allegations are against a number of persons of having cheated and harassed her husband including one Shanti Lal and his four sons including the present petitioner. Precise allegation against the present petitioner and other family members is of having misappropriated Rs.80-90 lacs as also one residential house.

Petitioner was arrested on 15.12.2015.

Prosecution has placed heavy reliance on a suicide note dated

under the signatures of the deceased Vijay Kumar.

Undoubtedly, the name of the present petitioner figures in such suicide notice. Be that as it may, learned counsel appearing for the petitioner has referred to the Forensic Science Laboratory, Madhuban's report dated 22.06.2016 to contend that no conclusive opinion has been rendered as regards the suicide note to be under the signatures of the deceased.

Complainant Prem Lata wife of the deceased has already been examined before the trial Court. Court has also been informed that prosecution has preferred an application under Section 319 Cr.P.C. to summon certain others to face trial as additional accused and whose names figured in the alleged suicide note but had not been nominated as an accused in the final investigation report.

The trial as such would take time to conclude.

The offence as regards abetment to suicide as to whether made out against the present petitioner would be a moot question to be considered by the trial Court.

In the totality of circumstances and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Rohtak.

Disposed of.

30.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE