

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

CRM-M-3744 of 2017

Date of Decision: April 28, 2017

Abhishek Bali

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-6584 of 2017

Mohd. Akil @ Aadil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dhruv Dayal, Advocate
for the petitioner (in CRM-M-3744 of 2017).

Ms. Gursharan Kaur Mann, Advocate
for the petitioner (in CRM-M-6584 of 2017).

Mr. Munish Sharma, AAG, Haryana.

Ms. Gurnam Kaur, Advocate
for the complainant.

FATEH DEEP SINGH, J.

Since both these bail applications, anticipatory bail application under Section 438 Cr.P.C of petitioner Abhishek Bali and regular bail application under Section 439 Cr.P.C of petitioner Mohd. Akil @ Aadil have arisen out of the same very FIR thus, are being taken up together for sake of brevity.

The allegations are that one Kanwar Pal (Kamal), husband of complainant Sukhwinder Kaur on 26.12.2016 committed suicide

by jumping before a train. It was subsequent to the cremation, on opening of mobile phone of the deceased one video by the deceased was displayed in which the deceased had given descriptions of his account and also disclosed about the suicide note. It subsequently transpired that three years prior to the alleged occurrence the accused persons had prepared a video of the deceased in a compromising situation with a lady and on this pretext on two occasions had taken rupees two lacs and ninety two thousand by way of ransom that they would not display the same. In a suicide note it was subsequently found that the deceased was being harassed by Bikka Foji, Gori Bali, Digamber Electrician, Adil Phulonwala and Tinku Tentwala, who were instrumental in the entire blackmailing.

Learned State counsel on instructions of Investigating Officer has made statement that the petitioner Abhishek Bali has since joined the investigation in consequence of order 03.02.2017 of this Court and that nothing incriminating has been recovered from him and has not opposed the grant of bail to petitioner Abhishek Bali.

Learned counsel for the petitioner Mohd, Akil @ Aadil contended that there is no role attributed to the petitioner and the element of abetment to suicide is not at all made out and there is no immediate provocation and the alleged occurrence has taken place more than 03 years prior to the commission of suicide by the deceased.

Learned State counsel assisted by learned counsel for the complainant have sought to highlight that it was on account of acts of the petitioners including the other accused has led to this suicide and the deceased was forced to take such a step and, thus, the petitioners are not

entitled to any relief.

Appreciating the submissions, in the light of the stand of the State that the petitioner Abhishek Bali has since joined the investigations and that nothing is to be recovered from him and has not opposed the grant of bail to him, *Ad interim* Order dated 03.02.2017 passed by this Court are made absolute qua petitioner Abhishek Bali on the same terms and conditions.

To the very query of the Court, learned State counsel was unable to highlight either there is an element of instigation, abetment or it was the acts of the petitioners which has led to the deceased committing suicide. Together with the inordinate delay of more than 03 years and there being no immediate provocation by the petitioners to take such a step and that the culpability, if any, shall be determined at the time of trial and that no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the application for grant of regular bail to the petitioner Mohd. Akil @ Aadil stands allowed. Petitioner Mohd. Akil @ Aadil be admitted to bail to the satisfaction of the trial Court.

Both the petitions stand allowed.

(FATEH DEEP SINGH)
JUDGE

April 28, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No