

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

CRM-M -39042 of 2016 (O&M)

Date of decision: 18.05.2017

Manish and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashit Malik, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.121 dated 04.10.2016, registered under Sections 306, 323 and 328 of IPC, at Police Station Siwan, District Kaithal.

On 28.10.2016, this Court had passed the following order:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.121 dated 04.10.2016, under Sections 306/323/328 IPC, registered at Police Station Siwan, District Kaithal.

Complainant in the case is Kuldeep S/o Banta Ram. Deceased is Jai Pal i.e. brother of the complainant. As per version of the complainant, his brother Jai Pal (since deceased) was picked up by a police party on 03.10.2016 at

about 1.30 P.M. The complainant as also other respectable persons of the neighbourhood having proceeded towards the police station were met with the police party on the way and at that point of time, Jai Pal was handed over to the family members by the police officials by stating that he had consumed something. Complainant has further alleged that Jai Pal was immediately removed to a private hospital and upon making inquiries, he had stated that the police officials had resorted to beating him and thereafter had given him some liquid to drink. Jai Pal is stated to have died on the same day at about 7 P.M.

Counsel would argue that there are vague allegations in the FIR as regards the present petitioners as also certain others of having harassed Jai Pal and of having filed false complaints. That apart, no overt/direct act has been attributed to the petitioners so as to fulfill the ingredients of offence of abetment to suicide. It is also the contention of the counsel for the petitioner that it is the case of the prosecution that even a suicide note had been recovered and in which names of the present petitioners do not even figure.

Notice of motion, returnable on 10.01.2017.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Thereafter, on 10.01.2017, on the submission made by learned State counsel that FSL report is still awaited, the matter was deferred to 03.04.2017 and thereafter it was posted for today. The

learned State counsel informs that the FSL report is still awaited.

It is contended that in pursuance of the order dated 26.10.2016, the petitioners have joined the investigation.

Considering the fact that the petitioners have repeatedly joined investigation, this Court feels that the petition cannot be kept indefinitely, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 26.10.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, in case any favourable circumstances emerge after receipt of FSL report in favour of the complainant, he shall be at liberty to take appropriate action in the matter.

18.05.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No