

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

**Crl. Misc. No.M-47916 of 2017 (O&M)
Date of Decision: December 20, 2017.**

Ashok Kumar

.....PETITIONER(s).

VERSUS

State of U.T. Chandigarh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 208 dated 06.10.2017 registered for the offence punishable under Section 306 read with Section 34 of Indian Penal Code at Police Station Sector-26, Chandigarh.

Heard.

Notice of motion.

On asking of the court, Ms. Ashima Mor, PP, U.T. Chandigarh, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Mr. Ramesh Hooda, Advocate, who is present in the Court, has put in appearance on behalf of complainant and filed power of attorney.

The FIR in this case was registered on the statement of complainant Sham Lal, whose son Sourav Kumar committed suicide. He left behind a suicide note and a video message in his mobile narrating the reasons for his taking the extreme step. As per the allegations, he was being mal-treated by his wife and in-laws. Petitioner is father-in-law of deceased and was arrested in this case on 06.10.2017.

Learned PP for UT, Chandigarh submits that police after investigation has presented the challan. The suicide note and video recording have been sent to Forensic Science Laboratory for report which has not been received so far. After receiving the report, the same will be filed in the Court with supplementary challan.

Learned counsel for the complainant submits that though the allegations have been levelled in the FIR but the matter has since been amicably settled between the parties and he has no objection if the bail application of petitioner is allowed.

Keeping in view the above facts and that the challan has presented before the Court and trial is in progress which will take considerably long time to conclude, the present petition is allowed. Petitioner- Ashok Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The

trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 20, 2017
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***