

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

CRM-M-16001-2018

Date of decision:-23.5.2018

Deepesh Kumar Kharka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ravi Malhotra, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Deepesh Kumar Kharka – an accused in FIR No.185 dated 17.10.2011, under Sections 306/34 IPC registered at Police Station Division No.1, District Jalandhar.

Briefly stated, the prosecution story is that the FIR in question was recorded on the basis of statement of complainant Shre Kanth @ Judge son of Kishan Lal Sharma, aged about 49 years, resident of House No.365/7, Central Town, Jalandhar, which he made to the police of Police Station Division No.3, Jalandhar on 17.10.2011 stating therein that his younger brother Jawahar Sharma, who was engaged in business of

property dealing etc. was residing along with his family at a house at Bhagat Singh Colony, Jalandhar; that on that day at about 3:00 p.m. while Jawahar Sharma was present in his house, then he had consumed some poisonous thing; that Mrs. Isha Sharma -wife and Mohit Sharma – son of Jawahar Sharma had taken him to Secret Heart Hospital, Maqsudan for treatment and got him admitted there but he died there; that a suicide note was found from the right pocket of the pant of deceased, wherein he had held his brother Hoshiari Lal to be responsible for his death since he had cheated him with regard to one plot and one Deepesh Kumar Kharka (present petitioner), resident of Dehradun, who had cheated him to the tune of Rs.28 lakhs; that the complainant had produced the suicide note of deceased before the police. The suicide note as translated in the petition by the petitioner himself, which is as under:

“I Jawahar Sharma in my full and complete senses states that I am fed up with my life because Hoshiari Lal by cheating has got the power of attorney cancelled with regard to the plot which I had bought from him. Now he extend threat to kill me. I had also given Rs.28 lakhs to Deepesh for sending six boys through ship and he has cheated me. Now I am trapped in such a way that there is nothing remain in my life except to take my life. Therefore, I am taking my life as I am not getting justice from any body. God will punish Hoshiari Lal for whatever cheating he has done with my. My family may forgive me, if possible. I could not do any thing for you.

Yours Unlucky,

Jawahar Sharma”

The accused were arrested in this case The petitioner – accused had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge, Jalandhar vide order dated 19.3.2018, therefore, the petitioner has approached this Court for grant to similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

In the suicide note of the deceased, he has categorically mentioned that he had given Rs.28 lakhs to Deepesh (present petitioner) for sending six boys through ship but he had cheated him and the deceased has further mentioned that he was trapped in such a way that there was nothing remaining in his life and that he was taking his life because he was not getting justice from any body. In that way, the deceased had held his brother Hoshiari Lal and the present petitioner Deepesh Kumr Kharka to be responsible for his death.

After hearing the rival contentions of the parties, I find that the name of the petitioner figure in the suicide note and as the things stand, it is to be taken that he had abetted the suicide of the deceased. At this stage, the Court is not to go deep into the merits of the case as to find

out whether any abetment on the part of the petitioner is clearly established on record or not. The trial against the petitioner is going on, which is expected to be concluded in near future and his guilt shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.

Thus, finding no merit in the petition, the same stands dismissed.

23.5.2018
Brij

(H.S.MADAAN)
JUDGE

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