

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

**CRM-M-22082-2018
Date of decision: 28.11.2018**

Naresh Kumar @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Wadhwa, Advocate for
Mr. P. S. Jammu, Advocate
for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

Mr. S. N. Pillai, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No. 229 dated 05.05.2018, registered under Section 306 IPC at Police
Station City Fatehabad, District Fatehabad.

The operative part of the order dated 23.05.2018, vide which
the petitioner has been granted interim bail, is reproduced below:

**“Counsel for the petitioner has submitted that as per
the allegation in the FIR, the brother of the
complainant – Raj Kumar has allegedly consumed
poison on account of the harassment caused by the
petitioner regarding a money dispute. It is further
submitted that there is no allegation in the FIR that
prior to the date when the deceased – Raj Kumar
consumed the poison, any complaint was ever made
against the petitioner and the allegation pertains to the
time when the deceased – Raj Kumar has already**

consumed the poison and he informed the complainant that he has done so on account of the humiliation at the hands of the petitioner. It is also submitted that there is no allegation or evidence against the petitioner that immediately before the commission of the alleged offence, the petitioner has abetted in a manner, which has forced the deceased – Raj Kumar to commit suicide. Counsel for the petitioner has further argued that the Additional Sessions Judge has wrongly noticed in the impugned order that a suicide note was recovered, however, no suicide note was recovered by the police. Notice of motion for 20.09.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 23.05.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Bharat, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 23.05.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No