

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

CRM-M No.2505 of 2018

Date of Decision: February 02, 2018

Hoshiar Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Mr. Sarvjit Singh Khurana, Advocate
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed under Section 439 Cr.P.C. seeking regular bail on behalf of the petitioner in F.I.R. No.100, dated 02.06.2017, under Sections 306, 34 of the Indian Penal Code, registered at Police Station Kosli, District Rewari.

2. The petitioner is an accused in the case and implicating material against him is the undated suicide note allegedly left behind by the deceased-victim in which there are allegations that the petitioner along with certain other persons named in the suicide note used to threaten and pressurize the victim to withdraw his civil suit filed against two of the charge-sheeted accused persons. It is further mentioned in the suicide note that in view of such threats, the victim was unable to maintain his mental equilibrium and in order to protect his reputation, resorted to the extreme

step. However the suicide note does not give any indication as to when or how long before the actual occurrence, he was subjected to such threat, humiliation or inducement to go in for any extreme step. It is settled law that to constitute the offence under Section 306 IPC it must be shown that there is a close proximity between the time when the overt acts of the accused are done, which result in the victim killing himself, so as to infer that he had no scope to reconsider or reflect over the matter in a cool way.

3. In the absence of any material to indicate this proximity between the alleged acts of the accused persons and the actual suicide by the victim, and considering the long detention undergone by the petitioner, he may now be released on bail to the satisfaction of the Ld. trial Court, concerned.

4. It is however, clarified that the Ld. Court below shall not be influenced by any observation made in this order and shall continue with the trial independently and decide the matter purely on its own merits.

5. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

February 02, 2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No