

217.

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

CRM-M-36102-2018

Date of decision:27.08.2018.

MOHD SHEHBAZ

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Goyal, Advocate, for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.63 dated 05.06.2018 registered under Sections 452/341/323/506/34 IPC (Section 306 IPC added lateron) at Police Station City-2, Malerkotla, District Sangrur.

Initially, the present FIR was registered for offence under Sections 452/341/323/506/34 IPC, but lateron offence under Section 306 IPC was also added. As per the FIR, the allegation against the petitioner is that he has given beatings to the son of complainant on 04.06.2018. On 05.06.2018 during night at about 2 AM, petitioner alongwith Nepali Bhalwan and one more unknown person armed with weapons came in front of the house of complainant and created ruckus and threatened to kill them. Seeing the gathering of people, the assailants fled away from the spot. After registration of FIR, Naved was threatened by Mani, who is brother of accused Sehbaz. Naved felt insulted. Therefore, he ended his life by committing suicide.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner has been falsely implicated, there is no material on record from which offence under Section 306 IPC is made out. Moreover, the culpability of the petitioner that he is instrumental in the commission of suicide is yet to be established.

Learned State counsel, on instructions from ASI Narinder Singh, states that it is on account of repeated beatings given by the petitioner, the deceased Naved has committed suicide. On earlier incident, FIR No.132 dated 11.11.2017 under Section 341, 323, 506, 34 IPC has been registered at Police Station City-II, Malerkotla, whereas present FIR was registered on the basis of second incident.

I have heard learned counsel for the parties.

Initially, the FIR was registered under Sections 452/ 341/ 323/ 506/34 IPC, however, it is on the subsequent statement made by the complainant when Naved has committed suicide, the offence under Section 306 IPC has been added. The culpability of the petitioner that he is instrumental in the commission of suicide is yet to be established.

Accordingly, present petition is allowed and petitioner is ordered to be admitted on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

27.08.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No