

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.40852 of 2017
Decided on: 12.11.2018

Sukhbir

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rishab Lohan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Naveen Sharma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.241 dated 10.07.2017, for offence punishable under Section 306 of the Indian Penal Code (in short 'IPC'), registered at Police Station Sadar Jind, District Jind.

Counsel for petitioner has submitted that while granting interim bail to the petitioner, the following order has been passed by this Court on 06.11.2017:-

“...Counsel for the petitioner submits that though the petitioner is named in the suicide note, however, he was not in a dominating position to take any action against the deceased Raj Singh, who was working as SSA in DHBVNL, whereas the petitioner is an ALM working in the same department. Counsel for the petitioner further

submitted that the allegations against the petitioner are that being President of the Union, he has threatened the deceased, which are without any substance, as the deceased was assigned the office duty, whereas the petitioner was on field duty. It is also submitted that till date, FSL report has not been received to verify whether the suicide note was in the handwriting of the deceased and the petitioner is in judicial lockup since 07.08.2017. It is further submitted that bare perusal of the suicide note do not make out that the petitioner has acted in a manner, which has abetted the deceased to commit suicide.

On the other hand, learned State counsel has opposed the prayer for bail on the ground that there are direct allegations against the petitioner and the deceased has named him in the suicide note.

Considering the fact that FSL report is still awaited, I deem it appropriate to release the petitioner on interim bail till the next date of hearing. The petitioner shall be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate, till the next date of hearing.

List again on 31.01.2018.”

Counsel for the petitioner has further submitted that the petitioner had remained in judicial custody for a period of about 03 months. It is also submitted that the petitioner is on interim bail for the last about 01 year and during the said period, he has not misused the concession of bail.

Counsel for the petitioner has further argued that a period of 01 year has already been elapsed and the petitioner is regularly appearing before the trial Court and even the statement of one of the prosecution witness i.e. the complainant – Karambir Singh has already

been recorded.

Counsel for the State, on instructions from ASI Ram Swaroop assisted with counsel for the complainant, has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also submitted that even the FSL report has been received by the trial Court.

Without commenting anything on merits of the case, considering the fact that the petitioner remained in judicial custody for a period of about 03 months; he is on interim bail for the last about 01 year and has not misused the concession of bail during the said period and also in view of the fact that the statement of the complainant has been recorded and it will take some time in conclusion of the trial, this petition is allowed and the order dated 06.11.2017 is made absolute.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

12.11.2018

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No