

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

CRM-M No.42058 of 2018 (O&M)

Decided on: 14.11.2018

Jamil @ Tunda

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Deepender Singh, 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.217 dated 23.08.2018, for offence punishable under Section 306 read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station Chhansa, District Faridabad.

Counsel for the petitioner has submitted that as per the allegations in the FIR, 20/25 days before the date of incident, the petitioner along with the co-accused has levelled certain false allegations against the son of the petitioner i.e. the deceased – Tahir and after conducting the panchayat, he was ousted from the village. It is further stated that on 22.08.2018, when the son of the petitioner came to his village on the occasion of Eid, the petitioner and his co-accused gave him beatings and threatened to kill him if he do not leave the

village. The deceased – Tahir allegedly committed suicide on the same date at 09:00 pm by hanging from a tree.

Counsel for the petitioner has further submitted that the petitioner is in custody since 05.09.2018, he is not involved in any other case, challan has already been presented and he is no more required for further investigation.

Counsel for the petitioner has further argued that there is no medical evidence to show that the deceased was given any beatings on the date of incident and there is no such evidence which suggest that the petitioner had instigated or abetted the deceased in a manner that he committed suicide immediately thereafter.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from ASI Kesh Ram, assisted with counsel for the complainant has, however, submitted that on account of the maltreatment and threats extended by the petitioner and 06 other co-accused, the deceased – Tahir has committed suicide. However, it is also not disputed that the petitioner is in custody for the last 02 months and 08 days and challan stands presented.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; challan stands presented; he is in custody since 05.09.2018 and is no more required for further investigation and also in view of the fact that conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.

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

14.11.2018

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No