

**CRM-M-43579-2018**

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

**CRM-M-43579-2018**

**Date of Decision: 13.11.2018**

Paryag

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Sukhdeep Singh Sidhu, Advocate,  
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Mahavir Singh, Advocate,  
for the complainant.

**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.416 dated 02.09.2018, registered at Police Station Beri, District Jhajjar, under Section 306 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

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I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

From the record, I find that as per the FIR, the main accused is Rajesh, not the present petitioner. As per the prosecution version, Rajesh used to hurl abuses etc. to the complainant after drinking at night time. In the morning, when Dharmender, son of the complainant started from the house, then the present petitioner alongwith co-accused came there and attribution to him is only regarding *lalkara*. The beatings with slaps, fist blows and kicks were also given to Dharmender. The matter was reported to the police, but the police had not taken any action against the accused, rather FIR was registered against Dharmender (now deceased) and his sons etc. Due to this, Dharmender committed suicide and a suicide note is there naming the present petitioner also.

Learned counsel for the petitioner submitted that there is no allegation of abetment to commit suicide against the present petitioner.

In pursuance of the interim order dated 08.10.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. As already discussed, he (petitioner) is not the main accused. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 08.10.2018, granting interim bail

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to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

**13.11.2018**  
parveen kumar

**(INDERJIT SINGH)**  
**JUDGE**

|              |                           |   |     |
|--------------|---------------------------|---|-----|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes |
|              | Whether reportable        | : | No  |