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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 26.11.2018

(1) CRM-M-49581-2018 (O&M)

Johny Bhalla and another

..... Petitioners

Versus

State of Punjab

..... Respondent

(2) CRM-M-49582-2018 (O&M)

Rajni Bhalla @ Rajji and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Inderjit Singh Chawla, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Yadwinder Sharma, Advocate for complainant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This order shall dispose of above mentioned two petitions bearing CRM-M-49581-2018, titled as '*Johny Bhalla and another versus State of Punjab*' and CRM-M-49582-2018, titled as '*Rajni Bhalla @ Rajji and another versus State of Punjab*'. For brevity, the facts are being taken from CRM-M-49581-2018.

Heard.

This is a petition filed under Section 438 of the Code of Criminal Procedure for grant of bail to the petitioners in case FIR No. 140 dated 28.10.2018 under Section 306 of the Indian Penal Code registered at

FIR has been perused.

It is alleged that the present petitioners along with others got registered an FIR No. 137 dated 25.10.2018 under Sections 451, 323 read with Section 34 of the Indian Penal Code at Police Station Tibba, District Ludhiana. The deceased-Manpreet Singh on account of the fear of the said FIR slept in the house of his friend Lakhvir Singh Nona. In the morning i.e. on 28.10.2018, at about 5.30 A.M., Lakhvir Singh Nona informed the mother of the deceased that Manpreet Singh is having difficulty in breathing. Firstly, he was taken to Preet Hospital from where he was taken to CMC Hospital, Ludhiana where he was declared brought dead. It is alleged that due to registration of the FIR, he was perturbed and consumed some poisonous substance and committed suicide. In this way, it is alleged that on account of registration of the FIR by the present petitioners, deceased committed suicide. It will be a debatable issue whether merely on account of registration of the FIR by the opposite party, the offence under Section 306 of the Indian Penal Code will be attracted or not?

In the circumstances, petitioners are directed to join the investigation and cooperate in the same.

It is directed that in the event of arrest of the petitioners, they be released on anticipatory bail to the satisfaction of the arresting officer subject to the compliance of Section 438(2) Cr.P.C.

Petitions stands allowed accordingly.

A photocopy of this order be placed on the connected file.

(KULDIP SINGH)
JUDGE

26.11.2018

preeti

Whether speaking / reasoned

Yes/No

Whether Reportable:

Yes/No