

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

**CRM M-520 of 2019
Date of Decision: March 28, 2019**

Balbir Singh @ Shambhu

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Veneet Soni, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 463 dated 28.09.2018 under Section 306 IPC registered at Police Station Pehowa, District Kurukshetra.

The brief allegations as have been levelled by Suraj Bhan husband of deceased Jogindro Devi that during the intervening night of 25.09.2008, the accused/petitioner is alleged to have gone to the house of Suresh Kumar, neighbour of the complainant and after waking him up told that some unknown person

had trespassed into his house but no one was discovered. It is, thereafter, the accused alleged to have gone and woken up Sultan Singh brother of the complainant on same pretext. It is on 28.09.2018, it is alleged that accused had told the deceased that he would defame her and, subsequently, she was perturbed over it, on account of which, it is alleged that the deceased has committed suicide by hanging.

Mr. Vaneet Soni, learned counsel for the petitioner has argued that the bare perusal of the allegations does not disclose commission of offence abetment to suicide and that the entire allegations hover over hearsay. It is claimed that the petitioner is behind the bars for about six months and the trial is not likely to be undertaken in near future.

On behalf of the State, Ms. Dimple Jain, Asstt. A.G., Haryana on instructions from ASI Om Parkash does not dispute the facts canvassed by the counsel for the petitioner but strongly opposed the grant of bail on the ground of seriousness of allegations and has shown her apprehension if petitioner is allowed bail might influence the trial.

Going through the submissions, a close look at the allegations is itself illustrative of the fact that there is total absence of any element of abetment of suicide. The petitioner is behind the bars since a long time coupled with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be

concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 28, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No