

280.

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

CRM-M-7819-2019 (O&M)

Date of decision:26.02.2019

TARSEM KUMAR @ PAPPU

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Gurinder Singh, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Gursimran Singh Bhatia, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.59 dated 03.04.2013 registered under Sections 306/34 of IPC at Police Station Sadar, Amritsar.

Learned senior counsel for the petitioner has argued that the petitioner is in custody since 21.09.2018 and the suicide note left by the deceased is a matter of trial, where culpability is yet to be established. He has further argued that in fact the petitioner has advanced money to Asha Rani and there is nothing wrong in demanding the money back. The petitioner is not responsible for the death of deceased in any manner as the petitioner was required to pay back the money advanced to her.

Power of attorney filed on behalf of the complainant in court today, is taken on record. Learned counsel for the complainant has argued

that the petitioner who is an influential person managed the PO proceedings for a pretty long period and in case, he comes out on bail, he may influence the witnesses.

Learned State counsel does not dispute the custody. However, he states that there are direct allegations against the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 21.09.2018 and the statement as made in the suicide note that the petitioner has succeeded in mixing up some intoxicant in the tea and under this influence, he has got the agreement to sell of the house executed, is a matter to be adjudicated during trial. Even otherwise, this Court has been informed that the petitioner has already filed a separate civil suit on 16.09.2013 in the nature of specific performance against the complainant.

Without observing anything on the merits of the case and considering the fact that the culpability is yet to be established, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

(HARI PAL VERMA)
JUDGE

26.02.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.