

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-9154 of 2019 (O&M)
Date of Decision: May 30, 2019

Ashwani Sharma @ Teetu and anotherPetitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. G.S. Brar, Advocate
for the petitioners.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Ms. Sukhpreet Kaur, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off second anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 204 dated 26.09.2017 under Sections 306/34 IPC, Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

The allegations against the present accused/petitioners Ashwani Sharma @ Teetu and Harish Kumar have been levelled by complainant Deepak Kumar Sharma alleging that he was married to

Pooja Sharma (now deceased) in the year 2002, out of which, the couple was bestowed with two sons and a daughter and during the course of matrimony, accused/petitioners, who happen to be the distant relatives as well as living in the same neighbourhood often used to have fights with the family of the complainant including the deceased which was repeatedly settled but the accused/petitioners alongwith their co-accused/non-applicants, namely, Saurav Kumar @ Simmy, Gaurav Kumar @ Gaggy and Ashwani Kumar @ Tittu and Harish Kumar @ Billu used to harass the wife of the complainant and did not even allowed them to sell their house to get rid of the accused and it was on 26.09.2017, the deceased committed suicide on account of this harassment by the accused side.

Mr. H.S. Brar, learned counsel for the petitioner *inter alia* contends that there is no specific allegation against the petitioners and there is nothing on record to show that how they have been instrumental in her consuming poison leading to her death and the direct statement of abetment is missing and has placed on record the affidavit of the complainant to this effect.

Mr. Amrik Narwal, DAG, Haryana assisted by ASI Avtar Singh Police Station Gobindgarh though did not differ over the facts that have been detailed before this Court by the learned counsel for the petitioner but has opposed the grant of the bail on the ground of seriousness of offence. However learned counsel for the complainant has submitted that as per the instructions received the parties have no

objection if the bail is allowed to the petitioners and has produced the complainant Deepak Kumar Sharma who had made statement before this Court that he has no objection in allowing bail.

Going through the submissions of the two sides, in the light of the period of incarceration and that the applicability of Section 306 IPC is a debatable issue, the petitioner is admitted to anticipatory bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

May 30, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No