

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

**Criminal Misc. No. M-43618 of 2018
Date of decision: 14.01.2019**

Rajbir

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for respondent No.1-State.

Mr. Abhishek Singla, Advocate for
Mr. Keshav Pratap Singh, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Rajbir under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.0150 dated 18.05.2018 registered under Section 306 read with Section 34 IPC at Police Station Jind Sadar, District Jind.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas as per allegations levelled in the FIR, there was dispute of land. The suicide note was not signed by the deceased and no date was mentioned on it. No report of comparison of the signatures has been received so far. The petitioner is in custody since 25.05.2018. Challan has been presented without waiting the outcome of the FSL.

Learned State counsel as well as counsel for respondent No.2

have not disputed the custody period; factum of non-receipt of FSL as well as stage of trial but have opposed the submissions made by learned counsel for the petitioner on the ground that the deceased committed suicide because of land dispute as lesser land than his entitlement was given to him. There were allegations of installation of pipe line under the land of the deceased. Earlier also, threat was also given to the deceased. Learned counsel for respondent No.2 also submits that no civil litigation is pending and specific allegations are there in the suicide note against the petitioner.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 25.05.2018; the fact that FSL report has not been received so far; allegations of abetment are matter of evidence, which shall be tested by the trial Court during trial; neither signatures are there nor date has been mentioned on the suicide note and the comparison of writing can be conducted after receipt of FSL report, the present petition is allowed and the petitioner (Rajbir) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

14.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No