

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

CRM-M-27438-2019 (O&M)

Date of decision : 08.07.2019

Aatish Jindal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Ramesh Sharma, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail to the petitioner in FIR No.0056 dated 12.04.2019 registered under Sections 306, 34 of the Indian Penal Code at Police Station Mehatpur, District Jalandhar Rural.

Learned counsel for the petitioner contends that deceased was an employee of the company involved in embezzlement of the amount belonging to the company. Petitioner was deputed by the company to investigate and on finding that deceased has committed embezzlement, a complaint was sought to be lodged with the police. However before the complaint could be registered, deceased committed suicide. Hence, learned counsel for the petitioner submits that prima facie no offence under Section 306 of the Indian Penal Code is made out against the petitioner.

On the other hand, learned counsel appearing on behalf of the State assisted by counsel for the complainant submitted that the deceased has left behind suicide note in which it has been alleged that it is on account of harassment of the petitioner that deceased committed suicide. However, learned counsel for the respondent-State could not dispute the contentions of learned counsel for the petitioner.

It is debatable that whether offence under Section 306 of the Indian Penal Code is made out or not. It would not be appropriate for this Court to make any comments on the merits of the case lest it may prejudice the trial. Petitioner is in custody since 07.05.2019.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 07.05.2019 and challan has been presented, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

08.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No