

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35226-2019

Date of decision: 06.11.2019

Ishu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Hooda, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.363 dated 11.06.2019 under Sections 302/34 IPC (later on converted to Sections 306, 342 IPC), registered at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner submits that initially, the FIR was registered under Sections 302/34 IPC, which was later on converted to Sections 306/342 IPC. It is further submitted that as per allegations in the FIR, registered at the instance of Joginder, father of deceased Ankit, it is stated that his son was under the influence of drug and was admitted to Drug De-addiction Centre, Rohtak on 05.06.2019 and on 08.06.2019, he received a call that his son hanged himself in the bathroom and has died. Learned counsel further submits that during the investigation, it was found to be a case of suicide and the FIR was registered after a period of 04 days i.e. 11.06.2019.

Learned counsel for the petitioner has further submitted that some

of the prosecution witnesses have already been examined and complainant Joginder appeared as PW1 and he was declared hostile. In cross-examination, he denied making a voluntary statement Ex.PA, by saying that the police obtained his signatures on the blank papers. It is further submitted that PW3 Vijay Pal and PW4 Surender, both uncles of the petitioner, have appeared and did not support the prosecution version and they were also declared hostile. Learned counsel has relied upon statement of PW5 Vijay, PW6 Sunil and PW7 Vinod Malik, who are co-mates in the Drug De-addiction Centre. They have stated that Ankit had committed the suicide. Learned counsel thus submits that no evidence has come on record against the petitioner to show that he has abated the deceased in a manner that he committed the suicide.

Learned State counsel has filed the custody certificate dated 05.11.2019 in the Court today and on instructions from ASI Nitesh Kumar, has not disputed the statements of PW1 to PW7, which already stand recorded during the course of trial.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.11.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No