

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 20.09.2019

1)

CRM-M-36568-2019 (O&M)

Sunny Kumar

...Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-37106-2019 (O&M)

Harwinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. V.S. Rishi, Advocate, for the petitioner.
Mr. Ajay Pal Singh Gill, DAG, Punjab
Mr. SPS Aulakh, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

CRM-M-3658-2019

As regards the case of Sunny Kumar, the petitioner in CRM-M-36568 of 2019, learned State Counsel on instructions from ASI Swaran Singh, has read out the suicide note of the deceased, specifically naming Ashwani Kumar @ Pappu, son of Sukhmesh Kumar @ Pola, to be the person who was taunting him with regard to a girl from their house having ran away etc., (with it to be noticed that in the present petition, the petitioner has been shown to be the son of Santokh Kumar though in the petition filed before the learned Sessions Judge, he is shown to be the son of Sukhmesh Kumar alias Pola).

That being so, without making any comments on the actual merits of the case, for or against the petitioner, he having been specifically named by the deceased, with detailed reasons for the taunts also given therein, I see no reason to entertain this petition seeking anticipatory bail.

Consequently, the petition *qua* Sunny Kumar, the petitioner in CRM-M-36568 of 2019, is dismissed.

However, nothing stated herein above would be taken to be an observation on the merits of the case, which would be gone into by the investigating agency as per the evidence gathered by it, and by the trial court (if it comes to that stage), on the basis of the evidence led before it.

CRM-M-37106-2019

As regards Harwinder Singh, the petitioner in CRM-M-37106 of 2019, he is not shown to be named in the suicide note as has been read out in Court today by the learned State counsel as noticed herein above, with him having been named by one Mohan Lal, who is stated to be the uncle of the deceased (as per the instructions of the learned State counsel).

That being so, the deceased himself not having named the present petitioner, the petition adjourned to 24.10.2019.

In the meanwhile, upon the the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

A copy of this order be placed on the file of the other connected matter too.

(AMOL RATTAN SINGH)
JUDGE

20.09.2019

vcgarg/n

Whether reasoned/speaking: Yes

Whether reportable: Yes