

CRM-M-54833-2018

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

CRM-M-54833-2018

Date of Decision: 01.02.2019

Tarun Kumar Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Monisha Lamba, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.813 dated 20.09.2017, registered at Police Station Sector 7 Faridabad, under Sections 306, 506 and 34 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

As per the FIR, the present petitioner was a partner with Vinay Sharma (since deceased). As per the FIR, allegation against the present petitioner is that he alongwith others usurped the money of deceased and they were pressing and harassing him for recovering their money.

CRM-M-54833-2018

Learned counsel for the petitioner submits that the petitioner had already filed a complaint under Section 138 of the N.I.Act against the firm of Vinay Sharma (since deceased) through him, which was pending before the Court and now the same has been got withdrawn after the death of Vinay Sharma. She further contends that there is nothing on record to show any harassment or threat etc., nor the matter was ever reported to the police in this regard.

I have also perused the suicide note in which 13 persons, including the present petitioner, have been named by the deceased, who were responsible for his death, but no specific instance or allegation has been mentioned therein.

Moreover, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 11.12.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

01.02.2019

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

: Yes
: No