

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-468-2020 (O&M)
Date of Decision:-14.1.2020

Nitin Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Duggal, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Surjit Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.39 dated 3.5.2019 at Police Station Chabbewal, District Hoshiarpur under Section 306 of Indian Penal Code.
2. The FIR was lodged at the instance of Joshna Soni (sister of the petitioner), wherein it has been alleged that they are two sisters and one brother and that her brother namely Nitin Sharma (petitioner) was addicted to liquor and has also developed illicit relations with Harman Kaur and her mother Darshan Kaur who often used to provoke him to harass complainant's father. It is alleged that on 2.5.2019 her father spoke to her telephonically and told her that he was going to end his life due to frustration caused by Nitin Sharma as well as by Harman Kaur and Darshan Kaur. It is further stated therein that

when the complainant reached her native village, she found her father hanging from a rope and was dead. It is further stated therein that the complainant's father also left a suicide note, which reads as follows:

‘I Vijay Dutt in my full senses make a statement that one Harman Kaur and her mother of village Haveli have spoiled my son and I don't know what they have done to my son that he does not talk to us. I will only say this that these two daughter and her mother are responsible for my death.

Sd/-
Vijay Dutt

My son has been seduced by them and they have given so many mysterious things ‘*taweet*’ to him. The statement given by me is true. Harman and her mother be considered as responsible for my death.

Sd/-
Vijay Dutt’

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the contents of FIR, especially the suicide note, are taken to be correct, the allegations are mainly against Harman Kaur and her mother Darshan Kaur and not against the petitioner.
4. Opposing the petition, the learned State counsel has submitted that since the complainant has categorically stated that the petitioner on account of some provocation by co-accused Harman Kaur and her mother Darshan Kaur used to harass her father (deceased) and infact the deceased had also telephonically informed the complainant that he was going to end his life on account of harassment met out to him by the petitioner and other co-accused, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.

6. It will certainly be debatable especially in view of the suicide note as to whether the petitioner abetted the commission of suicide by the deceased or not. In any case, since the petitioner has been behind bars since the last about seven months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No