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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4508-2020

Date of decision-06.02.2020

Iqbal

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjeev Kadian, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Iqbal has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.543 dated 07.09.2019 registered under Section 306 read with Section 34 of Indian Penal Code, 1860 at Police Station City, Jind. The petitioner is in custody since his arrest on 13.01.2020.

The FIR was registered on the basis of the statement given by Anand wherein it was disclosed by him that his brother Dharambir (since deceased) apart from doing agricultural work was also engaged in sale and purchase of buffaloes. It was alleged that accused-Iqbal (petitioner) owed approximately an amount of Rs.80,000/- to Rs.90,000/- to Dharambir for the past 5-6 years and similarly other persons namely, Ved (Ex-Sarpanch), Pala and Parkash also owed an amount of Rs.1,10,000/-, Rs. 1,20,000/- and Rs.

49,000/-, respectively to his brother-Dharambir. As the amount was not paid by the accused for the past several years, therefore, on 29/30-08.2019, complainant alongwith his brother Dharambir went to the accused and demanded his money back. The accused persons told that amount would be paid in a day or two, however, the payment was not made. According to the complainant, since these persons did not return the amount, therefore, his brother committed suicide.

Learned counsel for the petitioner contends that the allegations contained in the FIR do not disclose any kind of abetment much less to commit the suicide particularly when the accused agreed to make the payment to the victim. He submits that the brother of the complainant voluntarily committed suicide and considering the nature of the case, further custody of the petitioner may not be required as the investigation is almost complete. He prays that the petitioner be released on regular bail.

Learned State counsel assisted by ASI Bhagwat Dayal has opposed the prayer, however, she has not disputed this fact that the case set up by the complainant is common against the four accused for different business transactions. She submits that the petitioner is confined in judicial custody and is no more required for any custodial interrogation for the time being.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, no useful purpose would be served by further detaining the petitioner behind the bars. Resultantly, without meaning any expression of

opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

06.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No