

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5103-2020

Date of Decision: 10.02.2020

Raj Babbar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Kumar Kansal, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG, Haryana.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.372 dated 08.07.2018, under Sections 306/34 IPC, registered at Police Station City Jind, District Jind, Haryana. He is in custody since his arrest on 08.09.2019.

FIR in the present case was registered on the statement of complainant Suraj Bhan, wherein it was stated that on 30.06.2018, his son Yoginder Pal @ Yogi had committed suicide by hanging himself at his home. On 01.07.2018, the complainant and his family members found a suicide note by Yoginder Pal @ Yogi, who described that accused Rajinder, his brother-in-law Raj Babbar and Nasib Sihag owed money to him which was not returned. According to prosecution, it amounted to abetment to commit suicide.

Learned counsel for the petitioner contends that in the suicide note left behind by victim (Yoginder Pal @ Yogi), three persons, namely, Rajinder Singh, Nasib Sihag and Raj Babbar (petitioner) have been attributed the alleged abetment. The copy of the suicide note has been produced in the Court. He has invited the attention of the Court to the order

dated 07.12.2019, whereby the concession of bail though conditional has

been extended to accused Rajinder Singh, which has been made effective after examination of the three material witnesses, namely, Satish, Poonam and Suraj Bhan. According to him, the main accused is Rajinder Singh, whereas the petitioner is his brother-in-law and, therefore, has been indicted in the alleged suicide note. It is pointed out that the evidence was collected by police regarding transactions between Rajinder Singh and the victim, whereas there is no evidence against the petitioner, except the alleged suicide note. He submits that the investigation of the case is complete and, therefore, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel assisted by ASI Sunil Kumar, has opposed the prayer. However, it is not disputed that except for the suicide note, no other evidence was collected regarding any transaction between the victim and the petitioner. She submits that the charges were framed on 28.11.2019, however, no witness has been examined so far.

Considering the above, the custodial period of the petitioner and keeping in view the fact that the trial of the case is likely to consume considerable time, therefore, his further detention may not be justified. 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 Jind.

The petition is allowed.

10.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE