

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8575-2020 (O&M)

DATE OF DECISION: JUNE 29, 2020

NASEEB

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. HARENDER SINGH, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HAYRANA.

MANOJ BAJAJ, J.(ORAL)

CRM-9856-2020

Learned counsel for the applicant-petitioner prays that since the main petition is already listed for final hearing, therefore, the present application for preponing the main petition to an early actual date has been rendered infructuous and the same may be dismissed as such.

Dismissed as having become infructuous.

CRM-9857-2020

Application is allowed. Documents Annexures P-5 and P-6 are taken on record.

CRM is disposed off.

CRM-M-8575-2020

Petitioner Naseeb has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0372 dated 08.07.2018, under Section 306/34 IPC, Police Station City Jind, District Jind, Haryana.

The petitioner is in custody since his arrest on 19.09.2019.

The 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 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, wherein it was mentioned that accused Rajinder, his brother-in-law Raj Babbar and Naseeb Sihag owed money to him, which was not returned. According to prosecution, it amounted to abetment to commit suicide.

Learned counsel for the petitioner has placed reliance on the orders of bail (Annexure P-2 and P-3) granted by this Court to the co-accused Raj Babbar and Rajinder Singh, respectively. It is pointed out that pursuant to the direction contained in the order dated 7.12.2019 passed in CRM-M-27918-2019, all the three material prosecution witnesses, namely, Satish, Poonam and Suraj Bhan have been examined before the trial Court. Therefore, he prays that the petitioner be released on regular bail, during the pendency of the trial, as it would still take time to conclude.

On the other hand, learned State counsel assisted by ASI Yashbir, has opposed the prayer. However, it is not disputed by him that except for the suicide note, no other evidence was collected regarding any transaction between the victim and the petitioner. He submits that the charges were framed on 28.11.2019, and the material witnesses have been examined.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic,

namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 19.9.2019 is presently confined in judicial custody, therefore, his further detention behind the bars 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 29, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No