

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

CRM-M-11083-2020 (O&M)
Date of Decision:- 13.8.2020

Rajesh Kumar @ Rakesh Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anter Preet Singh, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.285, dated 10.12.2019, Police Station Haibowal, District Police Commissionerate, Ludhiana, under Sections 306/34 IPC.
2. The FIR was lodged at the instance of Suresh Pal wherein it is alleged that a false FIR was lodged by Shanky i.e. FIR No. 185, dated 2.9.2019, Police Station Haibowal, District Police Commissionerate, Ludhiana, under Sections 307, 341, 324, 323, 506, 427, 148, 149 IPC against his son Akshay in respect of which Akshay was granted interim bail on 26.11.2019 by this Court and wherein the next date fixed was 17.1.2020. It is alleged that after complainant's son

Akshay was granted interim bail, Shanky, Rakesh Kumar (petitioner), Roshan Bala and Sunny Pabbi used to threaten him and confront him as to how he has got bail and that they will not allow him to join investigation. It is alleged that complainant's son remained upset on account of the aforesaid threats and ultimately committed suicide by hanging himself from a ceiling fan.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case solely on account of the fact that the petitioner happens to be friend of Shanky with whom the deceased had some enmity. It is further submitted that even if the allegations as levelled in the FIR are taken to be correct, the same cannot be said to be sufficient enough to constitute abetment or to hold that any such conduct on part of the petitioner was such which drove the deceased to commit suicide.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is alleged to have threatened the deceased, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the facts and circumstances of the case and the allegations levelled against the petitioner who is not the one who had lodged any FIR against the deceased, in my opinion, it will be debatable as to whether the petitioner had abetted the commission of suicide of the deceased or not. The petition, as such, merits acceptance and is hereby accepted. The petitioner, in the event of

arrest, shall be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

August 13, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No