

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.11972 of 2020
Date of decision: 5th May, 2020

Surinder Kumar & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manish K. Singla, Advocate for the petitioners.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. H.S. Grewal, Addl. Advocate General, Punjab puts in appearance on behalf of the State on his own.

Allegations against the petitioners Surinder Kumar and his wife Kirandeep Sharma, who happen to be close relatives of deceased Suresh Kumar, in this first anticipatory bail application filed under Section 438 Cr.P.C. in case bearing FIR No.21 dated 12.03.2020 under Sections 306, 34 IPC pertaining to Police Station Badali Ala Singh, District Fatehgarh Sahib, are that the parties were having a dispute over right of use of passage and on 11.03.2020 the deceased committed suicide by hanging himself in his shop leading to registration of the present case.

Learned counsel for the petitioners Mr. Manish Kumar Singla, Advocate inter alia contends that a bare perusal of the allegations does not bring about any allegation of abetment to suicide and that there is no evidence to connect the petitioners with commission of the offence and

even no suicide note has been recovered to establish this fact and all the allegations are based on hearsay.

On behalf of the State, Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from SI Rajwant Singh with all fairness concedes at the bar that there is no suicide note recovered till date, but opposes the bail prayer.

Appreciating the submissions of the two sides, the very question of applicability of Section 306 IPC is a debatable issue which can only be adjudicated at the time of trial. More so, the petitioners are fighting over a right to passage and thus the role attributed to the accused, if any, would be subject to trial. In the light of the same, this Court is of the opinion that petitioners' joining the investigations would suffice the purpose. Accordingly, they are directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so the petitioners shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 5, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No