

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
(2 cases)+ AT CHANDIGARH
203 (1 case) (Through Video Conferencing)

1. CRM-M No.15769 of 2020 (O&M)
Date of Decision: 11.08.2020

Sunil Malik

.....Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M No.17466 of 2020 (O&M)

Umed

.....Petitioner

Versus

State of Haryana

.....Respondent

3. CRM-M No.8259 of 2020 (O&M)

Rajiv Kumar Mittal

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Pankaj Bali, Advocate,
for the petitioner in CRM-M-15769-2020.

Mr. Ajay Ghangas, Advocate,
for the petitioner in CRM-M-17466-2020.

Mr. Anil Mehta, Advocate,
for the petitioner in CRM-M-8259-2020.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Suneel Ranga, Advocate,
for the complainant.

NIRMALJIT KAUR, J.

All the above mentioned petitions shall stand disposed of by
this common order as the petitioner(s) in the respective petitions are accused
in the same FIR bearing No.166 dated 12.07.2019.

The prayer in all the aforementioned petitions is for grant of regular bail to the petitioners in case FIR No.166 dated 12.07.2019 under Sections 306/307/34/458 of IPC as well as Section 307 IPC added later on and Section 25 of Arms Act, registered at Police Station Sector-6, Bahadurgarh, District Jhajjar.

The FIR was registered at the instance of complainant Pardeep. He was real brother of deceased Davinder. As per the complainant, his brother had opened a private company alongwith his partners namely Ravi Rathi, Umesh Singh Gulia, Rajiv Mittal, Preet Kedia, Neelam Singh, Sunil Malik etc. All these persons were alleged to have chased Davinder right uptill his house and entered the house by scaling the wall. On hearing the noise of firing, the complainant too went inside after scaling the wall and saw two partners of his brother namely Umed Gulia and Ravi Rathi running away from the spot in their respective vehicle after scaling the wall. It was alleged that his injured brother told him that these two persons had killed him with the licensed weapon of the deceased. The matter was investigated. During investigation, it transpired that the version of the complainant regarding the deceased having been shot at by one of the accused was incorrect and it further transpired that deceased shot himself from his own revolver under the pressure of the accused persons. Hence, the accused persons were found to have committed an offence punishable under Section 306 read with Section 34 of IPC and not under Section 302 IPC.

Learned counsel for the complainant while opposing the bail to the petitioners submitted that even if the story of the prosecution under Section 306 of IPC is to be accepted, even then, it is a serious matter as the petitioners forced him to first compromise the matter before the police and

thereafter, chase him uptill his house, thereby forcing the deceased to kill himself. Hence, the petitioners succeeded in building up the pressure on the deceased to kill himself.

Heard.

Davinder, brother of the complainant died during treatment and an offence under Section 302 of IPC was added. The investigation was conducted and during investigation, CCTV camera which had captured the incident was viewed and it came to light that nobody except the brother i.e. the complainant had gone to the house of the deceased on the fateful night. Accordingly, the challan was filed under Section 306 read with Section 34 of IPC. The statement of son and wife of the deceased under Section 164 Cr.P.C. was recorded. Both of them stated in no uncertain terms that the deceased had shot himself on the fateful night. Thus, it is a matter of evidence and trial as to whether the conduct of the petitioners, in any way, amounts to abatement of the suicide or not. The allegations of the complainant having been partly found to be incorrect and challan having been filed under Section 306 read with Section 34 of IPC, the petitioners are found entitled to regular bail. Accordingly, they are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

Allowed as above.

(NIRMALJIT KAUR)
JUDGE

11.08.2020
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No