

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

109

CRM-M No.34191 of 2020

DATE OF DECISION : 28th OCTOBER, 2020

Vishal & another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Dishant Rishi, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0316 dated 05.10.2020 registered under Sections 306, 323, 34 & 506 IPC at Police Station Murthal, District Sonapat.

It is contended by learned counsel for the petitioners that the case against the petitioners is totally concocted. Even the statement made by complainant is based on hearsay. He had never seen the petitioners fighting with the deceased. Even if the version of the complainant is taken on its face value, still merely the petitioners having quarreled with the deceased earlier, cannot be treated as abetment to commit suicide. That would have, at the best, invited some offences for causing injuries to the deceased, if at all found correct. However, there are not even any injuries on the body of the deceased. There is no other case against the

petitioners. The petitioners shall join the investigation. Hence, the petitioners deserve to be protected against their arrest.

Notice of motion.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana, accepts notice on behalf of the State and Mr. Rajnikant Upadhyay, Advocate put in appearance on behalf of the complainant.

The learned State Counsel, being instructed by ASI Sabal Singh and assisted by counsel for the complainant, has submitted that the names of the petitioners are specifically mentioned by the complaint. However, it is not disputed that except the hearsay statement of the complainant, he has not been able to provide any other material/evidence to connect the petitioners to the act of suicide by the deceased. Although, the counsel for the State has pointed out that the statement of eye witness of the fight between the deceased and the complainant has been recorded, however, this court finds substance in the argument of the counsel for the petitioners that only the factum of petitioners having a fight with the deceased, cannot, prima facie, be taken as abetment to the deceased to commit suicide. Still further, the counsel for the State has also not disputed that except the ligature mark qua hanging, there are no other injuries found on the body of the deceased.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the

petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

28th OCTOBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>