

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31944-2019 (O&M)

Date of decision: 21.01.2020

Dina Nath

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Parveen Sharma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.331 dated 07.07.2019 under Sections 306, 34 IPC, registered at Police Station Indri, District Karnal.

While issuing notice of motion and granting interim bail to the petitioner, following order was passed by this Court on 29.07.2019: -

“...It is stated in the petition that prior to registration of the present FIR, another FIR No.22 dated 16.01.2019 under Sections 328, 343, 347, 348, 406, 420, 506 IPC at the Police Station Indri, was registered in which the petitioner was granted the concession of anticipatory bail by the Additional Sessions Judge, Karnal vide order

dated 02.02.2019. In the petition, the petitioner has relied upon certain documents i.e. the statement of the deceased Vikram @ Vicky recorded by the police and the affidavit he had sworn before the Executive Magistrate and all these documents were taken into consideration, while passing the aforesaid order by the Additional Sessions Judge, Karnal. It is also stated in the petition that the petitioner is neither the beneficiary nor had any connection with the alleged agreement to sell which was entered into by the deceased Vikram @ Vicky with Pardeep Kumar son of Balwinder and on account of the previous enmity, the petitioner has been nominated in the present FIR, though, there is no specific allegation of abetment against the petitioner...”

Thereafter, the Investigating Officer was directed to file an affidavit regarding investigation of the case. As per affidavit of the Investigating Officer/SI Ranbir Singh, Detective Staff, Karnal, which is already on record, deceased Vikram @ Vicky got an FIR No.22 dated 16.01.2019 under Sections 328, 343, 347, 348, 406, 420, 506 IPC registered against Dina Nath (petitioner), Tika Ram, Pardeep Kumar, Sandeep and Karan and during investigation of the said FIR, it came that on 07.12.2018, deceased Vikram @ Vicky had executed an agreement with Pardeep @ Bunti of 11 kanal 07 marla of land for Rs.7.00 lacs and Pardeep @ Bunti gave him two cheques, which were encashed by the petitioner, by opening an account in the name of Vikram @ Vicky. It is further stated in the affidavit that thereafter, the petitioner took Vikram @ Vicky to Morni Hills and under the influence of intoxicants, made his vulgar video and on that account, the deceased was under depression and

committed the suicide.

Learned State counsel, on instructions from SI Ranvir Singh and assisted by learned counsel for the complainant, has, however, submitted that no such vulgar video was recovered during the investigation in this case, as the said incident was happened six months prior to registration of the FIR.

In reply, learned counsel for the petitioner has referred to two affidavits of deceased Vikram @ Vicky, which were attested by the Executive Magistrate, Indri on 05.04.2019, stating that Dina Nath (petitioner), Tika Ram and Karan had nothing to do with FIR No.22 registered by the deceased and he do not want to pursue the same.

After hearing learned counsel for the parties, I deem it appropriate to confirm the order dated 29.07.2019.

Accordingly, this petition is allowed and the order dated 29.07.2019, granting interim anticipatory bail to the petitioner, is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

21.01.2020
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No