

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

Sr. No.224

CRM-M-1157-2021

Date of decision: 23.03.2021

Anoop Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. TPS Tung, Advocate and
Mr. S.S. Thakur, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.92 dated 29.06.2020 registered under Sections 360 and 34 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Haryana, District Hoshiarpur.

The petitioner is being prosecuted for having abetted the suicide of Pardeep Kumar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 30.06.2020; there is no other criminal case pending against the petitioner; co-accused Rajan against whom there are similar allegations as the petitioner has been granted anticipatory bail by this Court; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the same do not constitute “abetment” as defined under Section 107 IPC; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has abetted Pardeep Kumar's suicide.

Whether the allegations against the petitioner would come under the definition of “abetment” under the provisions of Section 107 IPC would be debated at the time of framing of charge and if charge is framed, during the petitioner's trial. However, the petitioner has been in custody since 30.06.2020; there is no other criminal case in which he is involved; co-accused Rajan against whom there are similar allegations as the petitioner has been granted anticipatory bail by this Court; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

March 23, 2021

Jyoti 1

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No