

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

210

CRM-M-3703-2021

Date of decision: 23.03.2021

PANKAJ GOYAL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.49 dated 24.07.2020 registered under Section 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station GRP Faridabad, District GRP Ambala Cantonment (Haryana).

The petitioner, who is in custody since 06.11.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Shakir Hussain, Deputy Superintendent of Police, GRP, Faridabad in the Registry which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The FIR was

registered after four months 23 days from commission of suicide by the deceased. The petitioner did not abet or instigate the deceased to commit suicide. Merely from the call details it could not be assumed that the petitioner had any illicit relations with wife of the deceased. The deceased did not institute any complaint or proceedings against his wife during his life time. The deceased did not leave any suicide note. The allegations made in the FIR do not make out offence punishable under Section 306 of the IPC against the petitioner. The trial is likely to take long time due to COVID-19 restrictions. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having abetted commission of suicide by the deceased. In view of the nature of accusation and gravity of offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the deceased is not alleged to have left any suicide note and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and also that further detention of the petitioner in custody not being punitive will not serve any useful purpose, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of

personal and surety bonds to the satisfaction of the trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

23.03.2021

(ARUN KUMAR TYAGI)
JUDGE

Vishal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No