

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

**CRM-M-30795-2021
Date of decision: 13.08.2021**

Bablu Ram @ Balram Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ratinder Singh Sodhi, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

None for respondent No.2/complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 91 dated 02.04.2021, registered under Sections 306, 34 of the IPC at Police Station Parao, Ambala Cantt., District Ambala.

At the very outset, learned State counsel, on instructions from ASI Jaspal, submits that in pursuance to order dated 04.08.2021, the SHO, Police Station Parao had informed the complainant about the next date, however, there is no appearance on her behalf.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sunita Devi, it is stated that her husband and son Manish Kumar were doing the business of shoes making. Manish Kumar was in touch with co-accused Narender Kumar, who used to come to the shop of complainant's husband and Manish Kumar used to go Himachal Pradesh for the purpose of delivery to Narender

Kumar. Narender Kumar introduced the petitioner with Manish Kumar. It is further stated in the FIR that petitioner allured Manish Kumar to invest his money in the business of *Kali Haldi*. On the instigation of Narender Kumar and the present petitioner, Manish Kumar invested money in lacs, however, he was not given any profit of the said business and rather, the accused persons obtained some blank cheques from him. It is further stated that business of complainant's husband went in losses and on that account, he was not able to pay the regular installments of loan. It is further stated in para 5 of the FIR that complainant's son Manish Kumar has not disclosed the fact of investing money on the allurement of Narender Kumar and petitioner Balram @ Bablu, however, when he used to remain tensed, on one occasion, he told that Narender Kumar is not giving his money. On 30.07.2019, complainant's son Manish Kumar committed suicide by hanging himself with a ceiling fan on the first floor of his shop. It is further stated that thereafter, complainant and her husband saw the mobile set of deceased Manish Kumar, in which there was a recording of threatening by Narender Kumar and petitioner and accordingly, the information was given to police station by filing a complaint on 08.01.2020.

Learned counsel for the petitioner further submits that the complaint was given on 08.01.2020 and thereafter, the FIR was registered on 02.04.2021, therefore, there is a huge delay in giving the initial complaint to the police and then in registration of the FIR.

Learned counsel for the petitioner further submits that in the recording, found in the mobile set of deceased Manish Kumar, the only allegations is that Manish Kumar had stated that he has no option but to commit suicide.

Learned counsel for the petitioner further submits that during lifetime of deceased, he has not lodged any complaint against the petitioner before any authority nor his parents said so and not even any notice/legal notice was served upon petitioner or any suit for recovery was filed, therefore, the entire allegations are afterthoughts. It is further submitted that petitioner is ready to join investigation and cooperate in the same.

Learned State counsel, on the basis of the contents of the FIR, has not disputed the factual position. It is also not disputed that in the recording found in the mobile set, the deceased has only stated that he has no other option but to commit suicide.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the aforesaid facts and circumstances, I deem it appropriate to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

13.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No