

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

Sr. No.204

CRM-M-33906-2020

Date of decision: 06.01.2021

Vipin Kamal

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0016 dated 06.04.2020 registered under Sections 306 and 34 IPC at Police Station GRP Jagadhri.

Briefly stated, the case of the prosecution is that Rakesh Kumar's suicide was abetted by the petitioner as he and Rakesh Kumar's wife Suman were having an affair.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 25.07.2020; there is no other criminal case in which the petitioner is involved; even if the contents of the FIR are taken as the gospel truth, though vehemently denied, the allegations against the petitioner do not constitute "abetment" within the meaning of Section 107 IPC; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and that the 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.

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

Whether the allegations against the petitioner with regard to him of having an affair with the deceased's wife leading to the deceased's suicide come under the definition of “abetment” would be debated during the course of trial. However, the petitioner has been in custody since 25.07.2020; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and the 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, Yamuna Nagar at Jagadhri, 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.

January 06, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No