

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33472-2020 (O&M)
Date of Decision:-16.3.2021

Pawan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aman Pal, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Balean.

Mr. Ram Pal Verma, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.144 dated 14.10.2019 at Police Station Industrial Sector 29, Panipat, District Panipat under Section 309 of Indian Penal Code, wherein offence under Section 309 of IPC was deleted and offences under Sections 306, 506, 34 IPC and Section 3(2)(v) of SC/ST Act were added later on.
2. The FIR in question was lodged on the basis of dying declaration of the deceased Inder Singh. As per the said dying declaration the deceased had set himself on fire as the petitioner had come to his house and in case the deceased had not set himself on fire, the petitioner Pawan Kumar would have given him beatings. The deceased further stated therein that he had

taken a plot from petitioner and had dumped soil on the said plot but now the petitioner had been asking him to vacate the same as the deceased did not have any documents of the said plot.

3. Although, the FIR was initially registered for offence under Section 309 IPC but subsequently said offence was deleted and offences under Sections 306, 506 read with Section 34 of Indian Penal Code and also offence under Section 3(2)(v) of SC/ST Act were added. On 18.10.2019, the statement of son of deceased i.e. of Parveen Kumar was recorded wherein he stated that his father used to work as a driver with the petitioner Pawan Kumar and had been drawing a salary of ₹15,000/- per month. He further stated that Pawan Kumar had sold a plot measuring 45 Sq.Yds. to the deceased and for purchasing the same, the deceased had spent his entire life time earning and infact he had been making payments every month from his monthly salary to Pawan Kumar (petitioner) but subsequently Pawan Kumar sold the said plot/house to some other person and said Pawan Kumar had been pressurizing the deceased to vacate the house and had been threatening him with dire consequences in case the same is not vacated and on account of the pressure mounted by Pawan Kumar, his father was constrained to committ suicide on 11.10.2019 when he set himself ablaze.
4. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and infact there is no evidence on record to show that the deceased had ever purchased any plot from the petitioner. It has further been submitted that, in any case, even if the allegations as levelled in the FIR are taken to be correct, still it cannot be said that the petitioner had abetted the commission of suicide by the deceased.

5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the deceased in his dying declaration had categorically named the petitioner and infact even in the statement made by the son of the deceased, he has levelled allegations against the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that out of the cited 21 PWs none has been examined so far and infact even the charges have not been framed. It has further been informed that the petitioner is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the aforestated position, wherein this Court finds that it would be debatable as to whether the petitioner can be held liable for having abetted the commission of suicide by the deceased and while noticing the custody period of the petitioner, which is stated to be about 9 months, and that the petitioner is not involved in any other case, further detention of the petitioner will not serve any useful purpose as the trial is not likely to be concluded in a short period as infact the trial has not even commenced so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No