

CRM-M-41557-2021

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

(201)

CRM-M-41557-2021.
Date of Decision:-08.10.2021.

Amandeep @ Aman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.92 dated 04.07.2021, registered under Section 306 IPC, at Police Station Garhshankar, District Hoshiarpur.

Custody certificate filed by the learned State counsel is taken on record.

Learned counsel for the petitioner has submitted that the petitioner's sister was married to Narinder Kumar, the deceased. It has been submitted that the said deceased, Narinder Kumar was a drug addict and for the said purpose, the certificate dated 27.10.2021 has been referred to and as per the same, it has been mentioned that the deceased had a past history of "drug abuse". It is further submitted that on 04.07.2021, the

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father of the petitioner had submitted a representation (Annexure P-2) to the S.H.O. Police Station, Sadar, Nawanshahr to the effect that Narinder Kumar had jumped from the roof and that it was the petitioner's family who had saved him. Reference has also been made to the post-mortem report to highlight the fact that there is no injury except the ligature mark, which has been occasioned on account of hanging. It is also argued that the petitioner has been in custody since 30.07.2021 and the challan in the present case has already been presented and the trial is likely to take time and the present petitioner is not involved in any other case. Learned counsel for the petitioner has relied upon a judgment of a Co-ordinate Bench of this Court titled as **"Vishal and another Vs. State of Haryana", 2021 (2) RCR (Criminal) 542**, to contend that in such like cases, provision of Section 306 IPC is not attracted. It is also submitted that even as per the prosecution version, the alleged suicide had been committed on 04.07.2021 in the evening, at about 5.30 p.m. whereas, the alleged incident of altercation/quarrel took place on 03.07.2021. It is further submitted that in fact the co-accused of the petitioner, Sandeep Singh alias Deepa, against whom several allegations have been made, had approached this Court by way of filing CRM-M-32482-2021 for grant of anticipatory bail and the same was allowed by this Court vide order dated 13.09.2021.

Learned State counsel is ready to assist the Court since he has advance copy of the present petition. He has submitted that in the present case, challan has been presented and there are 12 prosecution witnesses and none of the said witnesses have been examined and the next date in the

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present case is 19.10.2021 and has prayed that the present bail application be rejected and the material witnesses be examined.

This Court has heard the learned counsel for the parties.

Keeping in view the fact that there are *prima facie* documents to show that the deceased Narinder Kumar was a drug addict, as has been mentioned in the medical certificate dated 27.10.2020 (Annexure P-1) and also the fact that the father of the petitioner had submitted a representation (Annexure P-2) to the police station stating that the said Narinder Kumar had jumped from the roof and it was the petitioner's family who had tried to save him and also the fact that there was no injury except the ligature mark, which was occasioned on account of hanging, as per the post mortem report and also the fact that the alleged suicide had been committed on 04.07.2021 in the evening, i.e. the day next to the date when the alleged incident of altercation had taken place i.e., on 03.07.2021 and also the fact that in the present case, the challan has been presented and since none of the 12 prosecution witnesses have been examined and the trial is likely to take time, more so, in view of the present COVID-19 pandemic, and the co-accused of the petitioner Sandeep Kumar alias Deepa has already been granted anticipatory bail by this Court and also the fact that the petitioner is not involved in any other case, the present petition deserves to be allowed.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

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However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 08, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No