

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

CRM-M-15362-2022
Date of Decision:-**16.09.2022**

AKSHAY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Ms. Amrita Garg, Advocate for
Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.5 dated 10.1.2022 registered under Sections 306, 120-B at Police Station Pillu Khera, District Jind.

The counsel for the petitioner submits that the petitioner who has been languishing behind the bars since last about 7 months is having no criminal history and the only allegations against him are that he along with his co-accused compelled deceased-Pargat Singh son of Jaswant Singh to commit suicide. The counsel for the petitioner further submits that there is no suicide note available in the present case to substantiate the aforesaid

allegations. The counsel for the petitioner further submits that it has been alleged by the prosecution that the petitioner used to harass the deceased by filing false FIR and complaints against him and due to said harassment, the deceased committed suicide and died on 7.1.2022. The counsel for the petitioner further submits that there is nothing on record to show that the cases which were initiated by the petitioner against the deceased were found to be false. The counsel for the petitioner further submits that it is a matter of evidence as to whether the alleged cases were filed by the petitioner with *mala-fide* intention to harass the deceased or to incite/compel the deceased to commit the suicide. The counsel for the petitioner further submits that it will take time for the trial to conclude and as such no purpose is going to be served by detaining the petitioner in custody for any longer period.

The present petition is contested by the State counsel, who submits that the petitioner was persistently harassing the deceased by filing FIRs and complaints against him and the accused persons also extorted ₹1.5 lac from the deceased, by levelling false allegations against him and thus abetted the deceased to commit suicide. However, the State counsel has not refuted the fact that no suicide note was left behind by the deceased and that after completion of investigation challan has been presented

I have considered the submissions made by counsel for the parties.

In this case no specific date, month and year of alleged extortion is there on the record. Admittedly, no suicide note was left behind by the deceased who committed suicide and died on 7.1.2022. There is nothing on the record to establish that during his life time, the deceased or

his father ever lodged any complain against the petitioner to the fact that he was persistently harassing them and also extorted money from them. It is a matter of evidence as to whether the FIRs and complaints (if any) were lodged by the petitioner and other accused against the deceased with malafide intention to harass and compel him to commit suicide. The petitioner is lodged in judicial custody for the last more than 6 months and the police has presented the challan after completion of the investigation and it will take time for the trial to conclude.

So no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

However, in future if the petitioner commits offence of similar nature, then the prosecution will be at liberty to seek cancellation of the bail of the petitioner in the present case.

(KARAMJIT SINGH)
JUDGE

16.09.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No