

214

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

**CRM-M-40581-2021
Date of Decision: 06.04.2022**

Pankaj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Peeush Gagneja, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.34 dated 10.05.2021, under Sections 306 of the IPC, registered at Police Station City-2, Abohar, District Fazilka.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 30.06.2021 and after the completion of investigation of the case, the Police has already presented the Challan under Section 173 of the Cr.P.C before the competent Court and thereafter, three prosecution witnesses have already been examined including the complainant. He further submitted that even as per the allegations contained

in the suicide note, there were allegations of harassment due to some financial dispute and that the petitioner was demanding money from the deceased which consequently led to his suicide. Learned counsel for the petitioner also submitted that at the time of trial it is yet to be ascertained as to whether the ingredients of Sections 107 & 306 of the IPC are fulfilled or not. Since, the complainant has already been examined and the trial of the case would take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that it is correct that the investigation of the case has been completed and three prosecution witnesses including the complainant out of the 23 prosecution witnesses have since been examined. He further submitted that the petitioner is not involved in any other case. However, he has opposed the bail on the ground that because of the harassment made by the petitioner, the deceased was forced to commit suicide.

Mr. Peeush Gagneja, Advocate has appeared on behalf of the complainant and has also submitted that it was because of the continuous harassment by the petitioner for some money that the deceased was forced to commit suicide.

I have heard the learned counsel for the parties.

The investigation of the present case has already been completed and the complainant along with two more prosecution witnesses have already been examined. The petitioner is not involved in any other case and has got clean antecedents. The trial of the case may take long time

and therefore, this Court is of the opinion that no useful purpose will be served in case the petitioner is kept in further custody apart from the fact that it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may abscond or flee from justice.

Therefore, considering the totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.04.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |