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

**CRM-M-43292-2021
Date of Decision: 28.03.2022**

Rakesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navraj Singh, Advocate for
Mr. Sanjeev K. Virk, Advocate,
for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

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.254 dated 19.12.2020, under Sections 306 & 34 of the IPC, 1860, registered at Police Station Division No.2, Pathankot, District Pathankot.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 30.05.2021 which is almost 10 months. He further submitted that as per the allegations the petitioner was having illicit relationship with one Alka whose husband has committed suicide. He also submitted that the aforesaid Alka has since been granted regular bail by this Court vide order dated 22.09.2021 (Annexure P-2). He also submitted that even otherwise also the ingredients of Sections 107 & 306 of the IPC have

not been fulfilled in the present case as there was nothing to show any kind of abetment or incitement to the deceased. He further submitted that the investigation of the present case has already been completed and even the complainant has also been examined in the present case, and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. P.S. Walia, learned Assistant Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody from 30.05.2021 and the complainant has since been examined in the present case and the other co-accused, namely, Alka has been admitted to regular bail by this Court.

I have heard the learned counsel for the parties.

The petitioner is in custody from 30.05.2021 and the investigation of the present case is already complete. It is yet to be ascertained as to whether there was any incitement or abetment on the part of the petitioner which ultimately led to the suicide of the deceased, which can be done only at the time of the trial. The other co-accused, namely, Alka has also been granted regular bail by this Court. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond from justice or may influence any witnesses or may tamper with evidence.

Therefore, considering totality of the circumstances of the present 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.

28.03.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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