

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48420-2021
Date of Decision: 21.02.2022

Rajender

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.S. Shera, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Anshumaan Dalal, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.356 dated 13.09.2018, under Sections 306/34 IPC, registered at Police Station Sadar Gohana, District Sonapat.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 21.09.2021 and thereafter, the matter has been investigated by the police and challan has been presented under Section 173 of Cr.P.C and thereafter, the charges have been framed in the present case. He further submitted that it is a case where the allegations against the petitioner and three other co-accused are that the uncle of the complainant had committed suicide and had given a suicide note mentioning that these

four persons including the petitioner had taken some cheques from him and they were threatening to take back the money from him and which led him to end his life. He further submitted that during the course of investigation, the other three co-accused whose names have been mentioned in the FIR have been exonerated by the police. He further submitted that even otherwise also the petitioner has clean antecedents and there is no other case against the petitioner and the trial of the case would take long time and, therefore, the petitioner may be considered for the grant of regular bail. He further advanced his arguments by submitting that mere allegation of harassment would not constitute an offence under Section 306 and 107 IPC and the facts and circumstances are yet to be proved during the course of trial and, therefore, considering the facts and circumstances of the present case, he may be considered for the grant of regular bail.

Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody from 21.09.2021 and the charges have been framed and the matter is fixed for prosecution evidence and as per the affidavit filed by the State, there is no other case against the petitioner. He further submitted that it is also correct that the other three co-accused who have been named in the suicide note as well as in the FIR have been exonerated by the police.

Mr. Anshumaan Dalal, Advocate has caused on behalf of the complainant and has submitted that it was only on the basis of his application filed before the learned Magistrate that the police has carried on investigation and thereafter, the petitioner was arrested and it was a case where the petitioner was instrumental in abetment of the suicide of the

deceased.

I have heard the learned counsel for the parties.

The petitioner is in custody from 21.09.2021. The challan has already been presented after completion of the investigation and now the matter is fixed for prosecution evidence. The petitioner is not involved in any other case and the trial of the case would take long time. Although in the affidavit filed by the State it has been stated that in case the petitioner is released on bail, then he may influence the witnesses but on a specific query being put to the learned State counsel as to whether there is any sufficient material available with the State to arrive at such a conclusion that there is likelihood that he may influence the witnesses, the learned State counsel has not been able to answer the same. It appears that such objection has been taken in a mechanical manner and there is no other sufficient material available with the State to support the same.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

21.02.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking : Yes/No
Whether reportable : Yes/No