

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10530-2022

Decided on : 25.07.2023

Ankit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravinder Malik, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Mr. Priyawrat Prashar, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is seeking concession of regular bail in case FIR No.279 dated 22.12.2021 under Sections 147, 149, 294, 306 and 506 IPC registered at Police Station Garhi District Jind.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 23.12.2021 for allegedly abetting the suicide of three persons, Om Prakash, his wife Kamlesh and their son Sonu. It has been vehemently argued that neither on a perusal of the allegations levelled in the FIR in question nor the two suicide notes left behind by deceased Sonu, the mischief to attract an offence under Section 306 IPC is made out as *mens rea* on the part of the petitioner is missing. Only vague allegations have been levelled by the complainant that the petitioner along

with some others had created a ruckus outside the house of the three deceased, a day prior to the occurrence in question by indulging in abusive language and extending threats to implicate the deceased in the murder of one Mani Ram. Learned counsel contends that in the suicide note on the other hand, deceased Sonu had blamed the entire village for not standing by them qua the murder of 'Nanu' i.e. Mani Ram. In support, learned counsel has drawn the attention of this Court to the suicide notes annexed as Annexures P-1 and P-2. It has been further urged that the trial has not been making any progress and has come to a virtual standstill after an application under Section 319 Cr.PC was moved by the prosecution and which is still pending consideration. Therefore, the trial would take considerable time to conclude and his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions has submitted that the petitioner had been named in the FIR in question, which was registered at the instance of the nephew of deceased Om Prakash and it had been alleged therein that the petitioner along with some others had gone to the house of the deceased a day prior to the occurrence in question and created a ruckus. Learned State counsel further submits that on account of the ruckus created and threats given to the deceased and his family that they would be implicated in the murder of Mani Ram, the deceased hanged themselves to death. Learned State counsel submits that since an application under Section 319 Cr.PC has been moved, which is still pending consideration, there has been some delay

in the conclusion of the trial.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 23.12.2021 and there is no likelihood of the trial concluding in the near future as prosecution evidence had not yet concluded, coupled with the fact as also not disputed by the State counsel that a decision on the application filed under Section 319 Cr.PC by the prosecution is still awaited. In the facts and circumstances as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.07.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No