

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

**CRM-M-12331-2023**

**Date of Decision:-17.03.2023**

**Deepak Sharma.**

.....Petitioner.

Versus

**State of Haryana.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Ajay Kumar Gupta, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

\*\*\*

**JASJIT SINGH BEDI, J. (ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.675 dated 19.10.2022 under Sections 306 read with Section 34 IPC registered at Police Station Bhiwani Sadar, District Bhiwani.

2. The FIR came to be registered on the application moved by Saroj wife of Krishan against Deepak son of Mukhtiar Singh, Mukhtiar Singh, Bimla wife of Mukhtiar Singh and Neelam wife of Deepak. As per the allegations accused no.1 ran a dairy in the street behind the house of the complainant party. The accused were unloading millet in the plots adjacent to the complainant's house. There had been an argument regarding this. However, Deepak had got registered FIR No.310 dated 13.09.2022 under Sections 147, 149, 323, 354-B, 452, 506 IPC against Saroj, her daughter

Neha and son Rahul along with other persons. The accused in connivance with each other repeatedly threatened the complainant and her husband. On this count her husband Krishan started getting mentally disturbed and, therefore, committed suicide by consuming a poisonous medicine on 18.10.2022. A video in this regard had been made on the mobile phone of the deceased which had gone viral on social media.

3. The Counsel for the petitioner contends that the petitioner has been a victim of atrocities and assault made by Rahul and his family members and they trespassed into his diary farm leading to the registration of FIR No.310 dated 13.09.2022. In fact he has been falsely implicated and cannot be said to have, in any manner instigated the deceased to commit suicide. Therefore, no offence under Section 306 IPC was made out. Even otherwise, since the petitioner was in custody since 09.11.2022 the report under Section 173(2) Cr.PC stood filed and none of the 16 prosecution witnesses had been examined, the petitioner was entitled to the grant of bail as he was a first time offender.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused. The allegations against him did not entitle him to the grant of bail. He however, admits the fact that the petitioner is a first time offender, is in custody since 09.11.2022 and none of 16 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 09.11.2022 and the investigation stands completed. However, no prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon. Since the petitioner is a first time offender,

his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Deepak Sharma** son of Sh. Mukhtyar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

March 17, 2023  
Vinay

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |