

S. No.202

2023:PHHC:121952

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
CRM-M-30335 of 2023

Date of Decision:15.09.2023

Ashok

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Menka Gupta, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

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**DEEPAK GUPTA, J. (Oral)**

On 13.06.2023, following order was passed by this Court:-

*“Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.160, dated 21.05.2020, under Sections 306, 34 IPC, 1860, registered at Police Station Bhuna, District Fatehabad, Haryana.*

*Bharat Singh was married to Annu, daughter of Chanderbhan. Said Bharat Singh committed suicide. His mother Chandermukhi lodged the FIR alleging that for the last 08-10 days prior to committing suicide, Bharat Singh was staying at the house of his sister Priyanka, where he committed suicide due to the harassment caused by Chanderbhan (father-in-law), Bhateri (mother-in-law), Ashok-petitioner (brother-in-law) and Annu (wife).*

*Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; during investigation he as well as his parents were found innocent. However during trial, prosecution moved an application under Section 319 Cr.P.C. and he along with his parents was summoned. Learned counsel for the petitioner further contends that similarly placed co-accused Chanderbhan as well as Bhateri have already been granted the benefit of anticipatory bail by this Court vide order dated 01.06.2023 passed in CRM-M No.28290 of 2023 (Annexure P-3); and order dated 08.06.2023 passed in CRM-M-30021 of 2023.*

*Notice of motion.*

*At the asking of the Court, Mr. Randhir Singh, Addl. A.G., Haryana*

*appears and accepts notice on behalf of the respondent-State.*

*Factual position is not disputed by learned State counsel.*

*The allegations against the petitioner appears to be quite vague. There is no specific attribution to the petitioner as to how he instigated the deceased Bharat Singh to commit suicide.*

*List on 15.09.2023.*

*In the meantime, petitioner is directed to join the investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

*To be heard along with CRM-M-28290 of 2023.”*

It is stated by learned State Counsel that in fact petitioner was found

innocent during investigation and that it is only during trial that on an application

under Section 319 Cr.P.C., the petitioner was summoned to face trial by the Court of Sessions.

However, learned counsel for the complainant has opposed the bail to the petitioner by pointing out towards the gravity of the offence.

Considering that custody of the petitioner is not required for any investigation, which already stands concluded and involvement of the petitioner in the crime is a matter of trial, therefore, the objection raised by counsel for the complainant is found to contain no merit. As such, order dated 13.06.2023 as reproduced above is hereby made absolute.

Disposed of.

**September 15, 2023**  
**renu**

**( DEEPAK GUPTA )**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |