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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31731-2023
Date of decision: 31.08.2023

NARSHI RAM ALIAS NARSI RAM

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Parminder Singh-I, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. 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.84 dated 09.02.2023, under Sections 306 and 34 of the IPC, registered at Police Station City Mandi Dabwali, District Sirsa, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 04.05.2023, which is almost 4 months and he has no criminal background and he is not involved in any other case. He further submitted that the investigation of the case has already been completed and charges have also been framed. He further submitted that it is a case where the allegations in the FIR were that the mother of the complainant, namely, Sharda was having illicit relationship with the petitioner and because of this reason, the father of the

complainant had committed suicide. He further submitted that in the present case on the face of it, the ingredients of Section 306 of the IPC read with Section 107 of the IPC have not been fulfilled since there is no allegation of abetment to commit suicide nor there is any proximity in this regard. He further submitted that it is yet to be seen at the time of trial as to whether there was an abetment to commit suicide or not. He further submitted that even otherwise also the allegations were that the mother of the complainant, namely, Sharda was having illicit relationship with the petitioner and aforesaid Sharda has already been extended the benefit of regular bail by this Court in CRM-M-31176-2023 on 06.07.2023 and rather the petitioner is at better footing than aforesaid Sharda. He further submitted that considering the facts and circumstances of the present case, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Surender Singh Pannu, Addl. A.G., Haryana submitted that it is correct that the petitioner is in custody from 04.05.2023 and the aforesaid co-accused Sharda has already been extended the benefit of regular bail by this Court as aforesaid. He has however opposed the grant of regular bail to the petitioner on the ground that no prosecution witness has been examined till date. The antecedents of the petitioner have not been disputed by learned State counsel by stating that the petitioner has no criminal background and he is not involved in any other case.

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

5. The petitioner is stated to be in custody from 04.05.2023, which is almost 4 months and now charges have already been framed. The aforesaid

co-accused, namely, Sharda has already been extended the benefit of regular bail by this Court on 06.07.2023. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

31.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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