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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45238-2023
Date of decision: 13.10.2023

RAJU

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naresh Kumar Ganga, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, 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 Dabwali, District Sirsa, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 13.05.2023, which is about five months and he is not involved in any other case. He further submitted that the investigation of the case has already been completed and even charges have also been framed in the present case. He also submitted that it is a case where the allegation in the FIR was that the mother of the complainant, namely, Sharda was having illicit relationship with one of the co-accused, namely, Narshi Ram alias Narsi Ram and because

of this reason, the father of the complainant had committed suicide. He further submitted that the aforesaid co-accused, namely, Narshi Ram alias Narsi Ram has already been extended the benefit of regular bail by this Court on 31.08.2023 vide Annexure P-3 and one more co-accused, namely, Sharda has also been extended the benefit of regular bail by this Court on 06.07.2023 vide Annexure P-2. He also submitted that even otherwise also as per the allegations, the offence under Section 306 of the IPC is not made out because the basic ingredients of abetment to commit suicide under Section 306 read with Section 107 IPC are not satisfied. He further submitted that the present petitioner is at parity with the aforesaid two co-accused who have already been extended the benefit of regular bail by this Court as aforesaid and therefore, he may also be considered for grant of regular bail especially in view of the fact that he is also not involved in any other case.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana submitted that so far as the parity of the petitioner with the aforesaid two co-accused is concerned, the same cannot be disputed and now the investigation of the case has already been completed and the petitioner is not involved in any other case.

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

5. The petitioner is in custody from 13.05.2023 and investigation of the case has already been completed. The petitioner is stated to be not involved in any other case and has clean antecedents. The aforesaid two co-accused have already been extended the benefit of regular bail by this Court as aforesaid vide Annexure P-2 and Annexure P-3 and are stated to be at parity with the present petitioner. 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, if not required in any other case, 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.

13.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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