

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-53416-2021 (O&M)

Date of Decision:-**24.02.2023**

ANIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Shekhar Verma, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.381 dated 2.7.2021 registered under Sections 148, 149, 302 of IPC (Sections 342, 306 read with Section 34 IPC added later on and Sections 148, 149, 302 IPC deleted late on) at Police Station Gharaunda, District Karnal.

The allegations in nut-shell are that deceased Avnish son of complainant-Ramesh was aged about 20 years and he was friendly with daughter of co-accused Nanna. On 2.7.2021 at about 11:00 a.m., the entire family members of co-accused Nanna planned to kill Avnish and they called

him to the house of Nanna and then gave him beating and strangled him to death and accordingly the FIR was registered. During investigation, different accused persons were arrested and during investigation, it was found that Avnish was not murdered but he committed suicide and accordingly after completion of investigation, challan was presented under Sections 306, 342 IPC etc.

The counsel for the petitioner submits that the petitioner was arrested in the present case on 5.7.2021 and thereafter released on interim bail vide order dated 4.5.2022. The counsel for the petitioner further submits that now charges are framed by the trial Court under Sections 306, 342 IPC and trial has commenced and it will take time for the trial to conclude. The counsel for the petitioner further submits that actually no one is responsible for the death of Avnish, who outraged the modesty of sister of Arun and being ashamed of his act, Avnish ended his life by hanging himself from the ceiling fan. The counsel for the petitioner further submits that similarly situated co-accused namely Joginder and Arun have been granted regular bail by this Court vide order dated 14.2.2023. So prayer is made that present petition be allowed.

The petition is contested by the State counsel, who submits that the petitioner and other accused persons compelled Avnish to end his life by committing suicide. However, the State counsel has not disputed the fact that the petitioner was arrested on 5.7.2021 and later on released on interim bail and now trial Court has framed charges under Sections 306 IPC etc. However, State counsel has not disputed the fact of granting regular bail to the co-accused Joginder and Arun by this Court vide order dated 14.2.2023.

I have considered the submissions made by counsel for the parties.

Admittedly charges under Section 306 IPC are framed against the petitioner and other accused persons for abetting deceased Avnish to commit suicide, who died on 2.7.2021. The petitioner was arrested on 5.7.2021 and now the trial has commenced and it will take considerable time for the trial to conclude. The petitioner was granted interim bail vide order dated 4.5.2022 and he has not misused the said concession. Further, it is a matter of evidence as to whether the petitioner is responsible for death of Avnish, in any manner.

In view of the above, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

24.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No