

CRM-M-53008-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 18.10.2023

AMAN GUPTA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Namit Khurana, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.100 dated 12.05.2023, registered at Police Station Partap Nagar, District Yamuna Nagar, under Section 306 IPC.

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of prosecution, name of the petitioner has been dragged in the present case on the basis of alleged suicide note left behind by deceased-Mohit Kumar. Even as per the suicide note, the deceased is stated to have taken an amount of Rs.5 lakh from the petitioner and the petitioner was demanding the same back from the deceased. However, demanding the money back already taken by the deceased, cannot be considered as an instigation to commit suicide. The petitioner shall join the investigation as and when called by

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the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Krishan Kumar Chahal, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State.

5. It is submitted by counsel for the State that there are specific allegations against the petitioner made by none else than the deceased; through a suicide note left behind by him. It is clearly written in the suicide note that the petitioner was harassing the deceased by demanding his money back.

6. Having heard learned counsel for the parties, as well as, having gone through the facts and circumstances available on record and in view of the fact that only allegation against the petitioner is that he was demanding his money back, this Court finds that it would not be unjustified to protect the petitioner against his arrest, while directing him to join the investigation.

7. In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

18.10.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No