

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

(Sr. No. 213)

CRM-M No. 61112 of 2022

Date of decision : 19.01.2023

Shami

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Rythem Bajaj, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 87 dated 12.10.2021 registered under Section 306 IPC at Police Station City-II, Abohar, District Fazilka.

The petitioner, along with other co-accused, is being prosecuted for having abetted Sohan Lal's suicide.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 31.10.2022; investigation in the case is complete and therefore the petitioner is in no position to influence the same; similarly placed co-accused namely Vijay P.C.O. Wala, Amardeep @ Amar, Raj Kumar @ Raj Soni, Kamini and Prem Kumar, who had earlier approached this Court through CRM-M Nos.47218 of 2021, 54199 of 2021, 2640 of 2022 and

48633 of 2021, respectively have been granted anticipatory bail by this Court on 21.02.2022; the petitioner had loaned money to the deceased; he was legally seeking repayment thereof; there is no harassment on the part of the petitioner; the genuineness of the alleged suicide note is still questionable; even if the case of the prosecution is taken as to gospel truth, though vehemently denied, no case of abetment under Section 107 IPC is made out against the petitioner and that as and when the petitioner's trial does begin, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground of seriousness of the allegations and that he has two other cases under Section 138 of the Negotiable Instruments Act, 1881 pending against him.

The petitioner is in custody since 31.10.2022; investigation in the case is complete and therefore, he is not in a position to influence the same; similarly placed co-accused namely Vijay P.C.O. Wala, Amardeep @ Amar, Raj Kumar @ Raj Soni, Kamini and Prem Kumar have been granted anticipatory bail by this Court and that the petitioner's trial which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fazilka, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the

merits of the case.

19.01.2023.
sunil yadav

(DEEPAK SIBAL)
JUDGE

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