

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

CRM-M-1593-2024

Date of Decision:-23.04.2024

Kamaljeet @ Bhalla.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. G.B.S. Dhillon, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.252 dated 30.11.2023 under Sections 306, 34 IPC registered at Police Station City Jagraon, District Ludhiana Rural.

2. The present FIR came to be registered at the instance of Anoop Manik son of Krishan Lal and reads as under:-

“ Statement of Anoop Manik son of Krishan Lal resident of H.NO.2854, Neem Wall Gali, Mohalla Shaheed Udham Singh Anarkali Bazar Jagraon, aged about 67 years. Stated that I am a resident of abovesaid address and run a grocery shop namely Shiva Traders at Adda Raikot near Gaushala Jagraon. I have three children. Two daughters namely Dolly Takkar and Nannu Soni and one son namely Sunny Manik aged 38 years, who is married and he has two children also. One is son and one is daughter. We have one brick industry namely Manik Brick Industry at canal minor bridge Raikot Road, Jagraon and I and my son Sunny both look after these

works. Sunny Manik maintains the accounts of the shop and Malhotra Caterers used to purchase ration etc. from us, in which Dhiraj Malhotra son of Vipin Malhotra, Prince Malhotra son of Vipin Malhotra and Vipin Malhotra resident of Adda Raikot, Jagraon used to take ration even before the lockdown and we had a dispute regarding transaction of about Rs.17 lacs and due to this reason my son used to remain much perturbed and an amount of Rs.10 lacs approximately was also outstanding towards Bhalla in respect of ration, who is running the business of catering and sweet shop at Village Roomi and is resident of Jagraon having phone no.98146-42742 and when my son used to demand money from them they stated that he should do whatever he could but they would not give money to him. My son Sunny had taken money from Baldev Singh resident of Kothe Rahlan and Baldev Singh is having one cheque against the said amount and he Manisha Rana was not returning the same and was rather give threats to my son Sunny to do whatever you want and due to this reason my son used to remain mentally much perturbed and used to tell me that he would finish his life due to this humiliation. I advised him many times that everything will be sorted out. Today, at about 7/8:30 AM my son Sunny Manik woke up in his room and my daughter-in-law went to her duty, thereafter my son entered in the store room, put rope in his neck and after scaling up the silver ladder hang himself with the hook of fan. When we saw him he had lost his life. We picked him up and put him on the bed and massage him and tried to save him but he had lost his life. The abovesaid persons have compelled my son to die by Intimidating and threatening him. When we saw his pocket then one letter written by him was found in his pocket which I produce before you as proof. In the suicide note written by him, he has named the abovesaid persons by name. Due to which my son has died. Stringent legal action be initiated against them and justice be imparted to us. I have read and heard the statement, which is correct. I am the complainant. Action be taken. Sd/- Anoop Manik corroborated by Sd/- Poonam. Attested by sd/ ASI Jagdeep Singh, Police Station Police Station Jagraon. Date:30.11.2023."

3. The Counsel for the petitioner contends that monetary dispute between the parties cannot amount to abetment. The co-accused Bipan

Kumar, Dhiraj Malhotra and Prince Malhotra had been granted the concession of anticipatory bail by this Court vide order dated 09.04.2024 in CRM-M-65119-2023, Baldev Singh another co-accused had been granted the concession of anticipatory bail by the Trial Court vide order dated 06.01.2024 passed in B.A. No.23772 of 2023 titled as State Vs. Baldev Singh. As the petitioner was a first time offender, in custody since 04.12.2023 but none of the 11 Pws had been examined so far, therefore, the Trial of the present case was not likely to be concluded anytime soon and he was entitled to the concession of bail.

5. The Counsel for the State on the other hand contends that the petitioner and his co-accused owed a huge sum of money to the deceased which they were refusing to pay back. Because of this fact the deceased was under pressure and committed suicide. As the offence was *prima facie* established, no case for grant of bail was made out. He however, concedes that the petitioner was a first time offender, in custody since 04.12.2023, none of the 11 Pws had been examined so far and that the co-accused have been granted the concession of anticipatory bail.

6. I have heard learned Counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 04.12.2023 but none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further the co-accused of the petitioner have been granted the concession of anticipatory bail. In this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present

petition is allowed and the petitioner-**Kamaljeet @ Bhalla** son of Sh. Bachan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 23, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>