



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-20341-2024

Date of Decision : May 20, 2024

HEMANT SAINI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Anil Kumar Saini, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 25.4.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.541 dated 05.10.2020, under Sections 306 and 34 of the IPC, registered at P.S. City Narnaul.

2. The backbone for registration of the present FIR is constituted by the suicide of one Amit Kumar (since deceased). The deceased left behind a suicide note, wherein, he held the petitioner and his co-accused culpable for his suicide, inasmuch as, they did not return him his money, which he had lent as a friendly loan, rather when he demanded his money, they had threatened him.

3. The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, as he had never, at any point of time, abetted, induced or instigated the deceased to commit suicide. Therefore, no case under Section 306 of the IPC is made out against the petitioner, as the ingredients of



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abetment are completely lacking. The allegations levelled in the FIR do not carry any truth, rather are flimsy allegations.

4. *Lastly, the learned counsel for the petitioner submits that the petitioner has clean past antecedents and he is ready to join the investigation and to cooperate with the investigating officer.*

5. *Notice of motion for 20.05.2024.*

6. *Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*

7. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Today, the learned State counsel on instructions imparted to him by ASI Saraj, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process. However, as per the suicide note, he has not returned the loan amount.

3. Be that as it may, the recovery of loan amount is a different issue and so far as the issue regarding pre-arrest bail in the instant FIR is concerned, the petitioner has already joined the investigation and has fully co-operated, therefore, the present petition is **allowed** and order dated 25.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

May 20, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No