

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-38058-2023 (O&M)
Date of Decision:- 16.01.2024

Harmesh Chand ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.L.Saini and Mr. Som Nath Saini, Advocates,
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
64	10.5.2023	Lalru, SAS Nagar	306 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. Present FIR has been registered on the complaint of Tarsem Kumar alleging therein that his sister Seema Chawla was married to Sunil Chawla about 22/23 years ago, who have three daughters namely Prerna Chawla aged about 20 years, Vishali aged about 18 years and Ridhima aged about 13 years and all three are studying. It has been further alleged that the brother-in-law (*Jija*) Sunil Chawla of the complainant was running a Goldsmith Shop in Lalru Mandi and he

started working as goldsmith few days ago by taking the shop on rent. It has been further alleged that earlier the aforesaid brother-in-law of the complainant was doing some other business, in which, the various persons owed money to him and due to this, he remained in depression and he was on medication for depression for the last about 10/12 years and he was taking medicines from Dr. Satish Thapar of Bathinda for the last 2/3 years. It has been further alleged that on dated 10.05.2023 at about 5.00 PM, the aforesaid brother-in-law of the complainant had committed suicide by hanging from the hook of the ceiling fan with the stole (*chunni*) by leaving a suicide note.

3. Learned counsel for the petitioner submits that it is a case where broad sweeping allegations have been levelled against 16 persons in the suicide note and the petitioner is one of them who as per the deceased owed an amount of Rs.90,000/- to the deceased. Learned counsel submits that since, it is a case where as many as 16 persons are alleged to be owing money to the deceased, it cannot be inferred that all of them were responsible for suicide by the deceased. Learned counsel submits that in order to attract Section 306 IPC, there has to be some act or conduct which is convincing in nature which could be said to have led to abetment of commission of suicide by such accused. It has also been submitted that since, one of the co-accused namely Pawan Bhagat had already been granted anticipatory bail by this Court in CRM-M-29522-2023, the petitioner who has been behind bars since the last about 8 months deserves regular bail on the grounds of parity.

4. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the suicide note, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 8 months and he otherwise is not involved in any other case. It has also been informed that the trial in the present case is yet to commence.
5. This Court has considered the rival submissions.
6. Having regard to the fact that a large number of persons have been named in the suicide note who are all alleged to be owing money to the deceased, it will indeed be debatable as to whether the petitioner who is one of those 16 persons had abetted the commission of suicide by the deceased. In any case, the petitioner has been behind bars for a substantial period of 8 months and enjoys a clean record. Conclusion of trial is likely to consume time inasmuch not even a single PW has been examined till date. Under these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.01.2024

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No