



223

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

CRM-M-38587-2024

Date of Decision: 22.10.2024

Ashwani alias Sonu

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. R.S.Mamli, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.354 dated 22.12.2023 registered under Section 306 of IPC (added later on dated 12.06.2024) at Police Station Nathusari Chopta District Sirsa.

2. Learned counsel for the petitioner contends that initially the FIR was registered under Section 302 IPC, however, during the course of investigation, the allegations were found to be false and the offence was converted into Section 306 IPC. Learned counsel further contends that even from the allegations levelled by the complainant as well as the suicide note, no offence under Section 306 IPC is made out against the petitioner. Learned counsel further contends that the petitioner had never abetted or instigated the



deceased to commit suicide and from the allegations, it is apparent that the essential ingredients of the offence under Section 306 IPC are not made out against the petitioner. Learned counsel further contends that in fact, Sunil, since deceased was suffering from mental disorder and depression and had committed suicide because of the said fact. Learned counsel further contends that the petitioner was arrested in the present case on 22.06.2024 and the investigation has already been completed by the police. The final report under Section 173 Cr.P.C. has been presented against the petitioner and the conclusion of the trial may take quite a long time.

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Ellenabad, District Sirsa has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground the petitioner is the principal accused and has been specifically named in an audio recording between Sunil (since deceased) and his brother i.e. the complainant.

4. I have heard the learned counsel for the parties and perused the record.

5. The issue whether the petitioner had abetted the suicide of Sunil, since deceased or not, is a subject matter of adjudication before the trial Court and shall be proved during the course of trial, after appreciating the evidence led by both the sides. At this stage, the petitioner is in custody for the last about 04 months and the final report under Section 173 Cr.P.C. has already been



presented before the Court. Even the petitioner is not in a position to tamper with the prosecution evidence as the case is primarily based on the relatives of the deceased and the official witnesses.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.10.2024.
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(N.S.SHEKHAWAT)
JUDGE

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