



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

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CRM-M-43637-2024

Date of decision: 02.12.2024

DALVIR

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr.Rahul Mohan, Sr.DAG, Haryana.

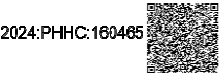
Mr.R.K.Chaudhary, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.75 dated 05.07.2024 under Section 306 of the Indian Penal Code, 1860, registered at Police Station GRP Faridabad, District GRP Ambala Cantt.

2. On the last date of hearing i.e.on 04.09.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1. Learned counsel has submitted that a bare perusal of the allegations levelled in the FIR do not even remotely attract the mischief of an offence under Section 306 of the IPC, let alone fall within the



ambit of definition of 'abetment' under Section 107 of the IPC/Section 45 of the BNS. Learned counsel has submitted that as per the allegations levelled in the FIR itself, the complainant (mother of deceased) had herself stated that her deceased son had been unable to pay the instalments of an old auto rickshaw, which he had taken from the petitioner and hence, the petitioner had taken away the said auto rickshaw. Learned counsel submits that mere taking away of the auto rickshaw from the deceased on account of non-payment of instalments would not amount to abetment to suicide.”

3. Learned counsel for the petitioner submits that in compliance of order dated 04.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Om Parkash, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.
5. In view of the above, the petition is allowed and interim order dated 04.09.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

(MANJARI NEHRU KAUL)
JUDGE

December 02, 2024
poonam

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