

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

**CRM-M No. 59529 of 2023 (O&M)
Date of Decision: 31.01.2024**

Sabeer Khan alias Mohammad Sabeer Khan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishavjeet Singh Rishi, Advocate and
Ms. Divya Sharma, Advocate
for the petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab

Mr. Karan Singla, Advocate and
Ms. Malvi Aggarwal, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 147, dated 10.09.2023, under Sections 306 & 34 of IPC, registered at Police Station Division No. 2, District Ludhiana (Punjab), wherein the petitioner has been implicated on the basis of statement made by younger brother of the complainant, having enticed his nephew, namely, Mohd. Ali for committing suicide.

[2] Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and never instigated the deceased to commit suicide.

[3] On the other hand, learned State Counsel as well as learned counsel for the complainant vehemently oppose the prayer for grant of regular bail of the petitioner while submitting that there is close proximity of an incident which happened prior to the suicide wherein the petitioner proclaimed that he would not allow the deceased to go abroad and would take all necessary steps to shatter his dreams which resulted as a trigger.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, as per custody certificate, the petitioner is in custody since 16.09.2023; the investigation already stand concluded with the filing of challan followed by framing of charges and the trial is likely to take some time. Moreover, the proof of instigation on the part of the petitioner would be a matter of trial; even otherwise, FSL has not given conclusive opinion so far *qua* the alleged suicide note of the deceased.

[6] Considering the totality of the circumstances and the fact that the petitioner is behind the bars since 16.09.2023 as also the trial may take long time, this Court does not deem it proper to extend the incarceration of the petitioner.

[7] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety

bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[8] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

January 31, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No