

S. No.221

2024:PHHC:016689

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

CRM-M-62711 of 2023

Date of Decision:07.02.2024

Anil

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Ms. Anu Bala Garg, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Desh Raj, HPS, DSP, Badhra, District Charkhi Dadri filed by the respondent- State, has already been received through Registry.

Custody certificate has been placed on record by learned State Counsel.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.174 dated 05.05.2023 registered under Sections 306, 34 IPC at Police Station Badhra, Tehsil and District Charkhi Dadri.

As per allegations, Satish, serving in Nav Chetna (BPS) School, Badhra, committed suicide on 05.05.2023. He left behind suicide note, in which he blamed petitioner and others to be responsible for taking this extreme step by him. Attribution to the petitioner is that the petitioner had borrowed an amount of ₹20 lakhs from the deceased but the petitioner refused to return the amount when demanded.

Learned counsel for the petitioner contends that even if the allegations as made in the FIR be taken at its face value, these do not make out a case under Section 306 IPC. Besides, co-accused Rajender has already been allowed bail by learned Additional Sessions Judge, Charkhi Dadri vide order dated 14.11.2023, copy of which is Annexure P.2.

Learned counsel also draws attention towards the custody period of the petitioner and the fact that the trial may take long time to conclude.

Learned State Counsel along with the counsel for the complainant could not refute the afore-said contentions to the effect that it is on account of the money dispute that petitioner has been named in the suicide note.

As per the custody certificate, petitioner is in custody for the last 05 months and 21 days and he is not involved in any other case. It is a moot point that whether Section 306 IPC will be made out or not in the facts and circumstances of the case.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 07, 2024
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(DEEPAK GUPTA)
JUDGE

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