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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8053-2024 (O&M)
Date of Decision:- 31.01.2025

SURENDER ALIAS BITTAN

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
342	11.10.2022	302, 120-B, 34 IPC; 25 of the Arms Act; (302, 120-B IPC and 25 of the Arms Act deleted later on and 306 and 34 IPC added later on)	Sadar Ballabgarh, Faridabad, Haryana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern whatsoever with the alleged



suicide committed by the victim. He contends that originally the case was registered against the petitioner and co-accused for having committing murder of deceased-Arvind, however, during the course of investigation, as is evident from the status report filed by the State, it was found that the deceased had committed suicide. He further contends that there is no suicide note left by the deceased, and even the deceased was found dead in his car and at that time, the petitioner was not found present there. He submits that even during the course of trial, the complainant-Virender, while appearing as PW-2 has not lent any support to the case of the prosecution and has denied having named the petitioner as accused. He further submits that the petitioner is in custody since 20.10.2023 and after the completion of investigation, challan has been presented in Court. Thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report has opposed the petition by submitting that the petitioner is involved in abetting the deceased-Arvind to commit suicide, and as such he is not entitled to the concession of bail. He has, however, not disputed the fact that originally the case was registered for offence under section 302 IPC, but later on during the investigation, it was found that the petitioner and co-accused had not committed the murder of deceased-Arvind, and in fact he had committed suicide. He has also not disputed the fact that the complainant of the case has not supported the case of the prosecution, who happens to be the uncle of the deceased.

4. Heard learned counsel for the parties and perused the record.



5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint of Virender (PW-2) alleging that his nephew Arvind had been doing the work of crusher at Faridabad, where some persons including the petitioner started extorting money from him after threatening to implicate him in a false case. This fact was told by Arvind to the complainant, however, on the intervening night of 10/11.10.2022, the accused persons committed murder of Arvind. Admittedly, the FIR was registered originally under Section 302 IPC and the petitioner was arrested on 20.10.2023. However, during the course of investigation, it was found that the deceased was not murdered but had committed suicide. After the completion of investigation, challan was presented in the Court, where it is pending trial. Admittedly, there is no suicide note left by the deceased and the prosecution has cited 31 witnesses, but till date none has been examined. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.



7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

31.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |