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

CRM-M-16098-2025

Date of decision : 28.03.2025

Bachan Tiwari @ Ram Naryan @ Bachan and anotherPetitioners**versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Parminder Singh-I, Advocate
for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioners have approached this Court by way of filing the present petition praying for grant of regular bail to them in case FIR No.151 dated 17.11.2024, under Sections 108, 3(5), 351(2), 351(3) of BNS, registered at Police Station Kotwali, District Bathinda.
2. Succinctly facts of the case are that the FIR in the present case was lodged on the statement of complainant Vikas Tiwari. It was alleged that the illicit relations of Anil Tiwari was to be with Shallu who is maternal aunt (mami) of Adarsh Shukla who is friend of the complainant. It was alleged that on account of the same, Akash Tiwari and Adarsh Shukla went for clearing their dues. It was also alleged that the petitioners were also present at that time. Thereafter, Akash Tiwari was found to have committed suicide by hanging. It was alleged that it is because of the instigation of the petitioners and co-accused that Akash Tiwari committed suicide. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Petitioners were arrested on 19.11.2024. They approached the Court of learned Additional



Sessions Judge, Bathinda praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge, Bathinda declined the same vide her order dated 03.02.2025. Hence, petitioners are before this Court by way of filing the present petition.

3. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely roped in the present case. He submits that the only allegation against the petitioners is that they were present at the time when the deceased and the complainant came to them. He submits that by no stretch of imagination any offence as alleged for instigating the deceased to commit suicide is made out. He submits that the petitioners have no criminal antecedents and they are behind bars since the date of their arrest. He submits that the investigation is also complete. It is submitted that in the facts and circumstances of the cases, petitioners deserve to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioners. He submits that the petitioners were not only present at the spot but they also threatened the deceased and humiliated him. It is thus, on the instigation of the petitioners and co-accused, Akash Tiwari was compelled to commit suicide. He submits that investigation is complete however, charges are yet to be framed. He has placed on record the custody certificate of the petitioners.

5 After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are alleged to have instigated the deceased to commit suicide as they were alleged to be present at that time when the deceased went to meet everyone. It is a matter of trial to assess whether the instigation as alleged is made out or not after evaluating the

evidence. The custody certificate would show that the petitioners have no criminal antecedents. Investigation is already said to be complete.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.03.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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