



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

CRA-S-2105-2025

Date of Decision:16.07.2025

Surender Sharma

...Appellant

vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Sandeep, Advocate
for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. Mr. Rahul Singh, Advocate has put in appearance on behalf of complainant/respondent No.2 by filing his Vakalatnama, which is taken on record.

2. The appellant has filed the present appeal under Section 14-A (1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC & ST Act") against the impugned order dated 04.07.2025 passed by the Court of Additional Sessions Judge, Jind, whereby anticipatory bail application of the present appellant was dismissed in a case arising out of FIR No.74, dated 11.06.2024, under Section 306 of IPC, Section 3(2) (va) of the "SC & ST" Act, Police Station Alewa, District Jind (Annexure A-1).

3. Learned counsel for the appellant submits that the FIR in the present case was lodged on 11.06.2024 and even after the lapse of 01 year, the

police did not arrest him as they could not find any incriminating evidence against him. Learned counsel further contends that even from the allegations in the FIR, no offence as alleged is made out against him. In fact, on 27.05.2025 Ramphal since deceased had approached the appellant and requested him to provide a job as his family was very poor. On 05.06.2024, the deceased was caught red handed, while stealing diesel from the vehicle and the appellant had reviewed him from job. Ramphal since deceased had accepted his fault and even transfer an amount of Rs. 2800/- in the account of the appellant and requested him not to move any complaint against him. Consequently, the appellant removed Ramphal, since deceased from the job on the same day i.e.05.06.2024 and thereafter, they were not in touch with each other. Learned counsel for the appellant has further relied upon the law laid down by the Hon'ble Supreme court in the matter of “ Sanju@ Sanjay Singh Sengar Vs. State of Madhya Pradesh, 2002 (2) RCR (Criminal) 687 to contend that the ingredients of offence under Section 306 of IPC are completely missing in the peculiar facts and circumstances of the present case. He further contends that the appellant had removed the deceased from job about six days prior of the occurrence and had not instigated or abetted suicide of Ramphal in any manner. Even otherwise, no recovery is to be effected from the appellant and his custodial interrogation may not be required.

4. On the other hand learned counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the appellant on the ground that the appellant is the principal accused and he was specifically named in the suicide note. Even a report has been received from the FSL, which conclusively proves that the suicide note

was written by Ramphal, since deceased.

5. I have heard learned counsel for the parties and perused the record carefully.

6. In the present case, admittedly Ramphal was employed as a driver by the present appellant. Even, it is an admitted fact that on 05.06.2024 he was caught red handed, while stealing diesel from truck, which was owned by the present appellant. Thus, at this stage, the prosecution is yet to lead evidence to prove the complicity of the appellant in the crime as well as the ingredients of the offence.

7. Thus, without commenting any further, the present appeal is allowed and the appellant is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the appellant to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S.

16.07.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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