



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

224+225

1.

CRM-M-48960-2024

Date of decision: 14.01.2025

Manish @ Manish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

2.

CRM-M-49333-2024

Date of decision: 14.01.2025

Subhas @ Subhash Chander

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manu Loona, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Priyanshu Kamra, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.73 dated 01.07.2024 under Sections 306/34 of the IPC registered at Police Station Bahawwala, District Fazilka.

2. Learned counsel for the petitioners submits that the petitioners have been in custody since 30.07.2024 and 01.07.2024 respectively, for allegedly abetting the suicide of the son of the



CRM-M-48960-2024
CRM-M-49333-2024

complainant. While drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, learned counsel has submitted that the contents of the FIR even if taken on their face value are believed, the essential ingredients to attract the mischief of an offence under Sections 107 or 306 of the IPC/45 or 108 of the BNS would not be made out against the petitioners. It has been further argued that investigation in the present case is complete and charges also stand framed, however, none of the 15 prosecution witnesses cited, have been examined till date after the charges were framed on 26.11.2024.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, have vehemently opposed the prayer and submissions made by the counsel opposite, by reiterating the allegations levelled in the FIR in question which stands reproduced hereinunder:-

“Statement of Kheta Ram, son of Bhajan Lal, son of Chandu Ram, resident of Village Kular, Tehsil Abohar, aged about 50 years, Mobile No. 96464-26234, stated that I am resident of the above said address and doing the agricultural work. I have two sons. Elder son Sandeep Kumar and younger son Prem Kumar. My son Sandeep Kumar has studied upto B.A. My son Sandeep Kumar used to go to library daily which is situated in the village for his study. Yesterday, on 30.06.2024, when my son Sandeep Kumar went to study to in the library of our village, then at about 4 PM, I received call on my mobile No. 96464-26234 from the mobile number of Subhash son of Om Parkash resident of Kular i.e. 98883-78513 of our village and Subhash told me that we have made your son Sandeep Kumar understand and gave him beatings and also called me. In response I told them that I am in fields, will come to in half an hour. Then after half an hour when I also reached at the library of our village then outside the library, Subhash and his son Manish Kumar were standing



CRM-M-48960-2024
CRM-M-49333-2024

there. They told me that we have beaten up your son. I said that why you have beaten my son tell the reason, then they said that your son used to send the messages, but they did not disclose to whom Sandeep Kumar used to send messages and told me do whatever you want. I came back to my home. My son Sandeep Kumar was not present at home. Then I and my son Prem Kumar looked for him, then we came to know from the village that my son Sandeep Kumar jumped into the water tank of water-works situated in our village. Then we went to water tank. Where I and my son Prem Kumar and the worker of water works namely Vinod Kumar son of Raja Ram, resident of Kular took out my son Sandeep Kumar from the water tank, then we arrange vehicle and took him to Civil Hospital, Abohar. Where doctor declared my son Sandeep Kumar dead. We kept the body of Sandeep Kumar in the mortuary of Civil Hospital Abohar. My son Sandeep Kumar end his life being hurt and feeling insulted from Subhash and his son Manish Kumar, by jumping into the water tank (water works) of our village. Today you have met at Civil Hospital Abohar. Statement is recorded to you, heard and its correct. Strict legal action be taken against them. Sd/-khota Ram.”

4. Learned State counsel, on instructions, has not disputed the custody period of the petitioners nor has it been disputed that after the charges were framed, none of the prosecution witnesses have been examined till date.

5. On a pointed query put to the learned counsel for the State as to the next date of hearing, it has been submitted that the case is now fixed for 21.01.2025 for recording of prosecution evidence.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future. The petitioners are not stated to be involved in any other criminal case. This



CRM-M-48960-2024
CRM-M-49333-2024

Court, therefore, deems it fit to extend the concession of bail to the petitioners.

8. Accordingly, both the petitions are allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

10. A photocopy of this order be placed on the file of other connected case.

14.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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