

**In the court of Dr. Gopal Arora, Additional Sessions Judge,
Hoshiarpur, UID No. PB0194.**

CIS No. BA/2973/2021
CNR No. PBH001008455-2021
Date of order: 16.12.2021

Reetam Yadav (wrongly mentioned as Ridham in the FIR) aged 29 years son of Sh. Dharminder Yadav resident of H. No. 510, Street No. 9, Ward No. 18, Gokal Nagar, Hoshiarpur (wrongly mentioned as Kamalpur, P.S Model Town, Hoshiarpur in the FIR)

Accused-applicant

Versus

State of Punjab

-- Respondent.

FIR No. 260 dated 10.12.2021
U/s 306 IPC
P.S. City, Hoshiarpur

(First bail application U/s 438 Cr.PC)

Present: Sh Naveen Jairath advocate, counsel for applicant-accused.
Sh. Rajinder Singh, Addl. PP for the State, assisted by Sh
Manoj Kumar Sharma advocate counsel for complainant.

ORDER:

This order of mine shall dispose of an application filed by applicant/accused for grant of anticipatory bail in the above noted case

2. As per allegations in brief, the present case was registered on the basis of statement of complainant Himanshu Puri, wherein he stated that his younger brother Harshit Puri aged about 22 years was running a Saloon under the name *9 to 9* near HDFC Bank, Sutehri Road, Hoshiarpur. While running the saloon, he used to lend money from many people and return the money of many people and has to return the money

of some persons. The complainant further stated that many financiers had come to take money from his brother and after abusing him they returned back. His brother was upset from many days. He and his mother used to tell him not to worry but he was very upset and he used to tell them that there is debt of 15-20 lakhs upon him. The complainant further stated that on 8.12.2021 Ridham resident of Kamalpur from whom his brother had taken a sum of Rs. 15,000/-, alongwith 4-5 unidentified persons came to the shop of his brother and abused him. Sanjay Sharma and Aman financiers have also lend money to his brother and they also used to harass his brother. There are many other financiers whose name he does not know. The complainant further stated that on 9.12.2021 at about 5:00 pm his brother committed suicide due to harassment of above said persons. On these allegations, the present case was registered against the accused.

3. The learned counsel for accused/applicant has contended that the allegations levelled in the FIR are totally false and bundle of lies. The FIR has been got registered by the complainant in connivance with his family members and by using their influence with the local police for blackmailing the accused for grabbing money from them. He has further contended that the applicant-accused is not a financier, rather he is running a mother dairy business with the trailed name 'Shri Radhey Traders' at Mohalla Kamalpur, Hoshiarpur. He has further contended that on 7.12.2021 the applicant-accused was not able to move freely due to severe back pain, then question of his visiting the deceased on 8.12.2021 does not

arise at all. The learned counsel for applicant-accused has relied upon judgments reported in *M.Arjunn v. State Rep. By Its Inspector of Police Criminal Appeal Nos. 1550 of 2018, decided on 4.12.2018; Vihal & another v. State of Haryana CRM-M No.34191 of 2020 decided on 28.10.2020; Yogesh v. The State of Maharashtra Anticipatory bail application No. 356 of 2020 and 357 of 2020 decided on 29.6.2020; Damodar Sharma v. State of Rajasthan Criminal revision Petition No. 542 of 2005 decided on 23.2.2006; Paramjeetsingh Chawala v. State of M.P Cr.R. No. 3154 of 2007 decided on 29.3.2007 and Radha Bai & others v. State of Karnataka Criminal Petition No. 2154 of 2011 decided on 28.4.2011* and prayed that applicant-accused is entitled to be released on anticipatory bail.

4. On the other hand, learned Addl. PP for the State assisted by Sh Manoj Kumar Sharma Advocate has opposed the bail application and prayed for dismissal of the same.

5. After hearing respective contentions of learned counsel for the applicant-accused as well as learned Additional PP for the State assisted by Sh. Manoj Kumar Sharma Advocate learned counsel for complainant and perusing the record meticulously, this court is of the considered view that the accused-applicant Reetam Yadav is not entitled for the benefit of anticipatory bail as there are serious allegations of abetment to the deceased. The investigation is at initial stage. The learned counsel for complainant assisting prosecution has produced the CCTV footage, which was played in the court

indicating 4-5 persons putting pressure by way of oral communication upon the deceased as pointed out by the Investigating officer ASI Pritpal Singh alongwith the complainant. The CD containing CCTV footage was taken into possession vide recovery memo. In the judgments produced by the learned counsel for applicant-accused there are simple allegations regarding the demand of debt and are not applicable as proceeds on different facts. Perusal of record prima facie reveals that specific allegations have been made by the complainant as well as mother of deceased by way of her statement got recorded on 14.12.2021. The mobile phones and the incriminating material from the accused is yet to be recovered. The matter requires thorough investigation and the custodial interrogation of the applicant-accused is required in this case on the basis of electronic evidence. Considering the facts and circumstances of the present case and the gravity of offence, the present anticipatory bail application of applicant-accused is hereby dismissed. Police record be returned and file of bail application be consigned to record room.

Announced in open Court:
Dated: 16.12.2021.

kulvinder Singh JW
(Direct dictation)

(Dr. Gopal Arora),
Additional Sessions Judge,
Hoshiarpur (UID No.PB-0194).

Reetam Yadav Vs State

Present: Sh Naveen Jairath advocate, counsel for applicant-accused.
Sh. Rajinder Singh, Addl. PP for the State, assisted by Sh
Manoj Kumar Sharma advocate counsel for complainant.

Heard. Vide my separate detailed order of even date, the bail application filed by applicant/accused has been dismissed, as stated therein. Police record be returned and file of bail application be consigned to record room.

Announced in open Court:
Dated: 16.12.2021.

kulvinder Singh JW
(Direct dictation)

(Dr. Gopal Arora),
Additional Sessions Judge,
Hoshiarpur (UID No.PB-0194).