

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

CRM-M -19480 of 2016 (O&M)  
Date of decision: 14.09.2016

Sharmila

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. O.P. Goyal, Sr. Advocate with  
Mr. Devender Nirban, Advocate  
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana  
assisted by ASI Daulat Ram.

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 438 of the  
Code of Criminal Procedure, the petitioner has sought anticipatory  
bail in FIR No.118 dated 21.05.2016, registered under Section 306  
read with Section 34 IPC, at Police Station Khol, District Rewari

On 31.05.2016, this Court had passed the following  
order:-

*“The present petition has been filed under Section 438  
Cr.P.C. seeking concession of anticipatory bail to the  
petitioner in case FIR No.118 dated 21.05.2016, under  
Sections 306, 34 of Indian Penal Code, registered at Police  
Station Khol, District Rewari.*

*FIR came to be registered on the statement of Sunder  
Singh. Deceased is son of the complainant, namely, Mohit*

*who is stated to have committed suicide by hanging on 20.05.2016. Complainant asserted that his son Mohit (since deceased) was studying in the 9<sup>th</sup> class at Adarsh Senior Secondary School and where the present petitioner Sharmila was a teacher. Son of the petitioner was also studying in the same school. Complainant asserted that a mobile phone belonging to the petitioner was given for repairs along with Rs.1000/- about two/three months back and Mohit (since deceased) had handed back the phone after repair. The cost of repair was Rs.950/- and Rs.50/- were probably spent by Mohit. Allegation is that on account of such reason, one day prior to the occurrence Mohit was severely beaten by the petitioner as also another teacher, namely, Ashok. Precise accusation is that on account of such beatings having been resorted to, Mohit returned back home and without disclosing anything took the extreme step of ending his life.*

*Learned senior counsel would contend that the allegations are completely unfounded. As per version of the complainant, Mohit (deceased) did not reveal anything having reached home on the date of occurrence. There is no source of information being divulged by the complainant on the basis of which he has come to know about the alleged beatings having been inflicted by the present petitioner. Further more during the course of hearing, even the post mortem report has been adverted to, to contend that there was no injury marks noticed on the person of the deceased.*

*Notice of motion, returnable for 13.09.2016.*

*In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.*

*In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall*

*remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”*

It is contended that in pursuance of the order dated 31.05.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and she is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 31.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

14.09.2016  
sumit.k

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking/reasoned :      Yes              No

Whether Reportable:              Yes              No