

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-21864 of 2016
Date of Decision: 12.7.2016**

Monika

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.P.S.Sidhu, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

Mr. Suneel Ranga, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 44 dated 20.5.2016 registered at Police Station GRP Panipat under Sections 306, 34 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the petitioner contends that the petitioner is the mother of Rajender who is a student of Government Primary School and the deceased was a teacher in that school. It was urged that no fees was being charged from the students and it appears that small collection was being made and the only allegation against the petitioner was that two teachers had instigated the petitioner. It was urged that the main allegations are against the other teachers. Counsel refers to the suicide note left by the deceased and urges that there are no allegations of any instigation by the

petitioner or any accusation under Section 3 of SC and ST Act.

When the matter came up on the last date of hearing, the counsel appearing for the complainant had stated that C.D. had been handed over to the police and the police was not investigating the case properly. The Sub Inspector, who was present in the Court, had stated that no C.D. was handed over to them. The complainant was directed to hand over the C.D. to the police and the case was adjourned for today. The complainant has not placed on record any transcript of the conversation.

State counsel submits that the police will have to verify the conversation and the C.D. will have to be sent for verification.

Counsel for the complainant urges that the police are not properly investigating the case and there are serious allegations against the petitioner and the petitioner is named in the suicide note and the bail could not be allowed. Counsel further urges that the application is not maintainable in view of the provisions contained in Section 14-A of the SC and ST Act. Counsel also placed reliance upon the judgment '***Dinesh Kumar and another versus State of Bihar***'.

Manju was a teacher in a Government School. She took her daughter along and committed suicide on 19.5.2016. The child survived. She left behind a suicide note. A number of teachers are named by the complainant as well as by the deceased. The petitioner is the mother of one of the students. There are no allegations of instigation or abetment by her in the FIR or in the suicide note. No accusation had been made against the petitioner under the SC and ST Act.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is

allowed and the petitioner is ordered to be released on bail on her
furnishing bonds to the satisfaction of the trial Court/Duty Magistrate.

The petitioner would not in any manner tamper with evidence.

(ANITA CHAUDHRY)
JUDGE

July 12, 2016
Gurpreet