

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

Crl. Misc. M 31091 of 2018 (O&M)
Date of decision: 29.10.2018

Amandeep Singh alias Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. K.S. Baidwan, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No. 191 dated 14.6.2017 registered under Section 354-A IPC (Section 66 of the Information Technology Act and Sections 306 and 376 IPC added later on) at Police Station Focal Point, Ludhiana.

Learned counsel for the petitioner herein contends that the allegations as set out in the FIR are patently false and fabricated. It is contended that initially bail had been granted to the petitioner under Section 354-A IPC and Section 66 of the Information Technology Act and after the matter had been investigated the challan was presented on 21.4.2018. It is

only subsequent to the challan being presented that offence under Section 306 and 376 IPC was added, in which bail has been declined to the petitioner by the Additional Sessions Judge, Ludhiana. It is contended that the FIR was registered on a statement given on 14.6.2017 by the complainant, who is father of the deceased in which it has been stated that his daughter aged 28 years attempted to commit suicide by hanging herself from ceiling fan but survived since her classmate managed to save her. She was admitted to Oswal Hospital for treatment but on account of stretch of veins of her neck she had lost control over her brain and body and was incapacitated. Ultimately, she was taken to home as per the advice of the doctor and it is thereafter on inspection of the deceased's belongings that a pen drive was found and from the contents of the pen drive they came to know that a boy namely, Amandeep Singh—petitioner had been engaged in What's App chat with the daughter of the complainant. It is contended that Amandeep Singh—petitioner had committed wrong with the complainant's daughter and on account of this she had taken the extreme step of committing suicide.

Learned counsel for the petitioner contends that the deceased attempted to commit suicide on 22.3.2017 and died on 18.5.2018, almost 14 months thereafter and, therefore, any offence under Section 306 IPC is not made out. Other than the bald statement of the father, there is nothing on the record to substantiate that the petitioner herein had induced or abetted the complainant to commit suicide. It is also argued that the finding that there was spermatozoa detected is patently wrong since no medical

examination was done in this regard initially. It is argued that medical report (Annexure P/4) would reflect that there was no mark of injury on the whole body or bleeding present. Vagina swab was taken on 9.9.2017 would have no relevancy since the incident complained of was six months prior thereto.

Learned counsel appearing on behalf of the complainant submits that the petitioner should not be allowed anticipatory bail on account of the fact that the spermatozoa had been detected, while also contending that young daughter of the complainant tried to commit suicide on account of the petitioner's wrong act committed to the deceased.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail on the ground that the allegations levelled against the petitioner are of serious nature.

I have heard learned counsel for the parties and without going into the merit of the case it is taken note of that the petitioner had already joined investigation in the said matter. The matter had been thoroughly investigated when only offence under Section 354-A IPC and Section 66 of the Information and Technology Act had been invoked and after investigation challan had been presented on 21.4.2018. It is only subsequent thereto that unfortunately the daughter of the complainant, who was in incapacitated state, died on 18.5.2018 that Sections 306 and 376 IPC was added.

In view of the facts that the alleged commission of offence had taken place as far back as 22.3.2017, the petitioner joined the investigation

and the same has already been completed, it is opined that further custodial interrogation of the petitioner is not required. The interim bail granted to the petitioner on 25.7.2018 is hereby made absolute, subject to the conditions as provided under Section 438 (2) of the Code of Criminal Procedure.

However, it is made clear that any opinion expressed herein above is purely for the purpose of disposal of this petition and not an opinion on the merit of the case.

29.10.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No