

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

**CRM-M No.35246 of 2019 (O&M)
Date of Decision: 03.10.2019**

Avtar Kaur and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.B.S.Dhillon, Advocate for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab
for the respondent/State.

Mr. Manvinder Singh Sidhu, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioners in case bearing FIR No.107 dated 30.07.2019, under Section 306 of the Indian Penal Code, 1860, registered at Police Station Sadar Ludhiana, District Ludhiana.

Contentends that both the petitioners are in custody since 30.07.2019 and after investigation, report under Section 173 Cr.P.C. has already been submitted on 24.09.2019 and now the case is fixed for consideration on the charges. Further contends that as a matter of fact, a written complaint dated 24.07.2019 was made against the deceased (Principal of the Government Senior Secondary School, Barundi, District Ludhiana) by the staff members of the School including the female

members that he is harassing the female teachers and which was marked to the SHO concerned i.e. Police Station Sadar, Raikot on 24.07.2019 itself and thus, apprehending the legal action, he might have taken the step, but petitioners cannot be held responsible for the same.

Learned State Counsel, on instructions from S.I. Parvinder Singh, has duly acknowledged the factum of receipt of complaint dated 24.07.2019 at the instance of 13 Teachers of the School against the deceased. He has further acknowledged that the case is fixed for 05.10.2019 for consideration of the charges and there are total 17 prosecution witnesses cited.

Learned Counsel for the complainant has opposed the bail application primarily on the ground that it is only on account of the blackmail by the petitioners, deceased had committed suicide.

Heard both sides and perused the paper-book.

Concededly, a written complaint was made by the petitioners as well as fellow Teachers against the harassment extended by the deceased against the staff members. One of the allegations is that he had called the female member during night time and that was the main reason for filing the complaint dated 24.07.2019 against the deceased which was entrusted by the Senior Superintendent of Police to the SHO, Police Station Raikot and thus that cannot be termed as an abetment to commit suicide. After investigation, report under Section 173 Cr.P.C. has already been submitted and charges are yet to be framed in this case. As per the stand taken by learned State Counsel, there are total 17 prosecution witnesses cited in this case, thus, trial will take sufficient long time for its conclusion.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioners be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioners, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

October 03, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes