

229.

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

CRM-M-40816-2019

Date of decision: 23.10.2019

AJIT SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jatinderpal Singh, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.79 dated 11.05.2019 registered under Section 306 of IPC at Police Station Lambi, District Sri Muktsar Sahib.

As per the FIR, the deceased-Simarjit Kaur @ Simmi was a student of +1 class in Senior Secondary School, Ghumiara. On 10.05.2019, Simranjit Kaur had gone to school for study at about 8.00 AM. However, when she came back home at about 1.30/2.00 PM, she was frightened and under fear. In her frightened condition, she told to the complainant and her mother Harpreet Kaur that the petitioner oftenly harasses her and other classmates when they used to go to school and he (petitioner) was giving threats and teasing them. Due to self-respect, they did not tell this fact earlier, but on 10.05.2019, the petitioner had again followed her to the

school and teased and threatened that he would eat their flesh. The deceased with a great difficulty had the lunch and had cold water after some time. After about half an hour, health of the deceased deteriorated, she started vomiting and having loose motions. She was taken to the doctor in the village, but to no effect and when her condition further deteriorated, she was taken to Dabwali Gulati Hospital and in this manner, she died.

Counsel for the petitioner has argued that the petitioner is in custody since 11.05.2019. He states that the only allegation against the petitioner is that he followed the deceased and used to harass her and other classmates by teasing them. No witness has been examined in the case so far and in this manner, trial is not likely to be concluded in the near future. There is no active participation on the part of the petitioner compelling the deceased to commit suicide by taking extreme step.

Learned State counsel has argued that the allegation against the petitioner is serious. The statement of the complainant is further supported by the other classmates, namely, Deepi Kaur and Sukhpreet Kaur that the petitioner used to harass them.

I have heard counsel for the parties.

In order to bring the case within the ambit of Section 306 IPC, a person, who is said to have abetted commission of suicide, must have played active role by act of instigation or by doing certain act to facilitate commission of suicide, as held by the Hon'ble Apex Court in ***Rajesh Versus State of Haryana- Criminal Appeal No.93 of 2019 (arising out of SLP (Crl.) No.8667 of 2016, decided on 18.01.2019.*** Moreover, the culpability of the petitioner is yet to be established during the trial and the

trial is not likely to be concluded in the near future, as no witness has been examined so far. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

23.10.2019

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No