

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229

CRM-M-27693-2022

Date of decision:29.10.2022

Ravinder Kumar @ Gandhi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.29, dated 03.04.2022 registered for offences under Sections 306 and 34 of IPC, at Police Station Mehatpur, District Jalandhar Rural, Annexure P-1.

Criminal law has been set in motion on the complaint of Balwinder Kumar on the allegation that about 02 days back, his school going daughter was followed by Rohit @ Dabang and Ravinder Kumar @ Gandhi (present petitioner), residents of the same village and they harassed her. On 02.04.2022, he did not send his daughter to school, but he received a telephonic message from her school teacher that a boy, Dabang, had come to the school with her meal but as her daughter was not in school, he was sent back. The complainant brought the incident to the notice of mother of Dabang and also informed the *Sarpanch* of the

village. During the night, when his daughter had gone to stay at his brother's residence, she committed suicide.

By referring to the allegations levelled in the FIR, counsel for the petitioner contends that the allegations of abetment to suicide have been levelled against co-accused, Rohit @ Dabang. He submits that although there is allegation against the petitioner of stalking the deceased, but no complaint had been submitted against the petitioner and the petitioner has been falsely embroiled in the criminal case. He has argued that the deceased did not leave behind any suicide note and the offence under Section 306 of IPC is not made out. Counsel submits that the petitioner is in confinement since 04.04.2022, final report has been submitted and he is no longer required for custodial interrogation.

Opposing the petition, learned State counsel, upon instructions from ASI Balwinder Singh, has submitted that there are specific allegations against the petitioner, who has been named in the FIR. He submits that co-accused, Rohit @ Dabang, has not been arrested so far. As per his instructions, charge has not been framed.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that the complicity of the petitioner in the alleged offence would be determined on the basis of evidence lead before the trial court. Noticing the nature of accusation against the petitioner, presentation of *challan* against him, 06 months custody and absence of any suicide note, this Court is of the opinion that the petitioner deserves to be released from detention during the pendency of the proceedings arising out of the FIR, Annexure P-1.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.10.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No