

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

CRM-M-34843-2021

Date of decision : 24.08.2022

Amandeep Singh Chahal

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Mr. Manpreet Singh, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.44 dated 11.06.2021, under Section 306 of Indian Penal Code, registered at Police Station Mehna, District Moga.

Succinctly, the facts of the case are that the complaint was lodged to the police by Jasvir Singh. The sum and substance of the allegations is that his grand-daughter (deceased) was with him as her parents had shifted to Canada. It was alleged that about 15 days back, the deceased told him that Ravleen Kaur, daughter of Principal Gurukul School and Amandeep Singh Chahal, D.P. were mentally harassing her. On this, he went to the school and met the Principal and the matter was discussed with them. He was assured that the issue will be resolved and the same will not be repeated in future. However, Ravleen Kaur and Amandeep Singh did not stop and continued harassing his grand-daughter. As a result on 10.06.2022 at about 05:30 PM his grand daughter

Khushpreet Kaur committed suicide by hanging. When they went to cremate the body, they found suicide note lying in the pocket of the deceased which was handed over to the police. The complaint was made to lodge the FIR and to take legal action against the culprits. In pursuance to the same, the FIR was lodged and the investigation commenced. The suicide note recovered was sent by the investigating agency to the FSL and the report of the FSL was also received. In all, two accused were named i.e. Ravleen Kaur and the present petitioner who was the teacher of the deceased. Ravleen Kaur being the juvenile, is already on bail. The petitioner was arrested on 19.06.2021. He approached the Court of learned Additional Sessions Judge, Moga praying for grant of bail. However, after hearing counsel for the parties, the same was declined vide order dated 16th August, 2021. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner is the teacher-cum-warden of the deceased. He has submitted that whatever the petitioner did was his official duty and the same cannot lead to the conclusion that the petitioner has instigated the deceased to commit suicide. He submits that the allegations in the FIR are vague. He submits that the simple allegation that the deceased was being mentally harassed leads to nowhere. He further submits that the alleged suicide note was handed over to the investigating agencies by the complainant himself. He has submitted that from the reading of the contents of the suicide note, it can be inferred that the deceased was living away from her parents and she was depressed on account of the same. However, in the concluding lines, the deceased had named the

petitioner to be responsible for her death. He has submitted that the suicide note was sent for the comparison of the handwriting to the FSL and as per the report received, it has been opined that no definite opinion could be given regarding the common authorship. He has submitted that the contents of the suicide note are not free from doubts. He submits that the petitioner has no criminal antecedents and he is behind bars from the last more than a year. He also submits that the examination-in-chief of the complainant has also been conducted by the trial Court and thus, the petitioner is not in a position to influence the complainant. He submits that resultantly, the petitioner deserves to be granted regular bail.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner. He has submitted that there are specific allegations of mental harassment caused to the deceased by the petitioner. He also submits that the petitioner is the teacher-cum-warden of the deceased. He went upto raising the allegations that the petitioner was involved in providing drugs to the deceased and thus, he deserves no leniency.

Learned State counsel has shown FSL report in the police file. He submits that there are allegations regarding mental harassment caused to the deceased by the petitioner and the co-accused Ravleen Kaur. He submits that examination-in-chief of the complainant has already been conducted. He submits that there is no information regarding the contentions raised by counsel for the complainant that the petitioner was involved in the supply of drugs to the deceased.

I have heard counsel for the parties and perused the record.

The petitioner is behind bars since 19.06.2021. Admittedly, he is teacher-cum-warden of the deceased. The allegations in the FIR are pertaining to mental harassment caused to the deceased by the petitioner. Whether the offence under Section 306 read with Section 107 IPC is made out or not is totally lying in the domain of the trial Court which will decide the same after the completion of entire evidence to be led by the parties. Perusal of the FSL report shows that no definite opinion could be drawn regarding the contents of the suicide note recovered by the investigating agency. There is nothing on record to show that the petitioner has any criminal antecedents.

The trial of the case will take sufficient long time. The veracity of the allegations would be assessed by the trial Court on the culmination of the trial and on the appreciation of evidence led before it. However, confining itself to the prayer made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds with local surety to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No