

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213)

CRM-M-46508-2021
Date of Decision: 18.08.2022

Arvinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. R.S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate for the petitioner.

Mr. A.S. Dhaliwal, D.A.G., Punjab.

Mr. Vishal Garg Narwana, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.09 dated 23.6.2021 under sections 306, 376-C, 201, 34 I.P.C (section 3(1) W-1, II of SC/ST Act added later on), registered at Police Station, GRP, District Patiala.

As per factual matrix, the FIR in question was lodged by Malkeet Singh i.e. brother of the deceased. The sum and substance of the allegations is that his sister i.e. the deceased was employed as Field Clerk in the Department of Technical Education in the year 2014 and since 2016 she was working in the Head Office at Chandigarh. She was in depression as she allegedly told the complainant that most of the official work was taken by the seniors from her and they called her in the office even on holidays for doing the official work. Bhupinder Singh, Superintendent and Arvinder Singh, Senior Assistant i.e. the present petitioner used to harass her by

calling in the office. On the day of occurrence i.e. on 23.6.2021 at about 7 in the morning his mother told him that the deceased had gone out of the house without informing anyone. They kept searching her when a passer-by told that a girl had committed suicide by jumping in front of the train. They reached towards the railway track and found the dead body of his sister. Thereafter they found a black diary from the room of his sister and a suicide note of his sister was recovered. As per the suicide note, Arvinder Singh, Senior Assistant was held to be responsible for her death. He had trapped her in love and kept her exploiting time and again. Request was made to register the FIR and take legal action against the culprits.

On the complaint made by the complainant present FIR was registered and investigation commenced. The suicide note was sent to FSL and petitioner was arrested on 29.6.2021. He approached learned Special Court, SAS Nagar, Mohali for grant of bail, however, after hearing the parties, the same was declined vide order dated 8.10.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that both deceased and the petitioner were govt. employees and they were discharging their official duties. He submits that the allegations made against the petitioner do not constitute the offence under section 306 IPC. He submits that co-accused Bhupender Singh was granted anticipatory bail by this court and during investigation he has been kept in column no.2 by the investigating agency. To buttress his arguments learned senior counsel submits that the complainant i.e. the brother of the deceased has already

been examined by the learned Trial Court as PW-3 and he has disowned all his statements made earlier and thus was declared hostile on the request of learned P.P. He submits that now the prosecution intends to move an application under section 319 Cr.P.C for summoning Bhupender Singh as additional accused in the case. He submits that once the complainant, who is brother of the deceased has not supported the case of prosecution, petitioner deserves to be granted bail. It is also submitted that petitioner has no criminal antecedents.

Learned counsel for the complainant has vehemently opposed the submissions made by learned senior counsel for the petitioner. He submits that the suicide note of the deceased was sent to the FSL and the handwriting is also matched. He submits that in the suicide note the deceased has made specific allegations against the petitioner and hence he does not deserve any leniency.

On the other hand, learned State counsel submits that during investigation suicide note was recovered and the same was sent to FSL for examination. According to report of FSL the handwriting of the deceased has been found matched. He candidly submits that the complainant has been examined before the Trial Court and as he has not supported the case of prosecution, he has been declared hostile. It is submitted that in all there are 25 prosecution witnesses out of which 3 including the complainant have been examined.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, deceased and the petitioner were govt. employees of the same department. As per the submissions made by learned State counsel the suicide note of the deceased was recovered and the handwriting was also matched with that of the deceased. Whether the offence under section 306 IPC is made out or not would lie under the domain of the learned Trial Court which would decide the same on conclusion of the trial and appreciation of the evidence led by both the parties. Co-accused Bhupender Singh has already been granted anticipatory bail by this court and during investigation he has been found innocent and resultantly has been kept in column no.2. The complainant i.e. brother of the deceased has already been examined by the learned Trial Court and admittedly he has not supported the case of the prosecution and was thus declared hostile. The prosecution is intending to summon Bhupender Singh as co-accused by moving an application under section 319 Cr.P.C. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction

of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

18.08.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No