



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

CRA-S-229-2025 (O&M)

Date of decision: 13.02.2026

Harvinder Singh @ Happy Appellant

Versus

State of Haryana and Another Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Shiv Kumar Sharma,
for the appellant.

Ms. Kanica Sachdeva, AAG, Haryana.

SHALINI SINGH NAGPAL J.

1. CRM-5990-2026 for grant of interim bail to the appellant, to enable him to attend the marriage of his real brother scheduled for 16.02.2026 was fixed for arguments today. On oral request of learned counsel for the appellant, the main appeal was taken up for hearing.

2. The appeal under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 challenges order dated 21.11.2023 of learned Additional Sessions Judge, Ambala vide which application for grant of regular bail of the appellant in FIR No.346 dated 18.09.2023, under Sections 306 IPC and Section 3 of SC/ST Act, Police Station, Mullana, Ambala was dismissed.

3. Facts of the case, relevant for determining the controversy are 'S' aged 35 years reported that she was working in Electricity Department in Himachal Pradesh and belonged to Scheduled Tribes community. Her husband expired in 2007 and she had two children. Her younger son died in



2019 and her elder daughter Aarzu 23 years was a student of BSC Nursing, in Mullana College. For one year, she lived in the University hostel and 4/5 months ago, she shifted to a private PG at Mullana with the help of her friend Harvinder Singh @ Happy. On 17.09.2023 they were informed that in the night of 16.09.2023, at about 10/11 PM Aarju committed suicide in the private room by hanging from the fan. She was sure that her daughter committed suicide on account of her friend Harvinder Singh @ Happy. She further stated that her daughter had been raped.

4. Learned counsel for the appellant submits that appellant had been falsely implicated in the case and there was no evidence to connect him with the unfortunate death of deceased. In fact, appellant and deceased were in a relationship and it was the complainant, who was pressurizing the deceased to marry someone else. There was nothing on record to show any overt act on part of the appellant indicating that he abetted the suicide. Appellant had been arrayed as accused on mere apprehension of the complainant who was not even living with the deceased. The allegation that the deceased was raped was not borne out either from the postmortem report or from the FSL report. The appellant, who was behind bars for the last two and a half years deserved to be enlarged on bail. He prayed that order dated 21.11.2023 of learned Additional Sessions Judge, Ambala be set aside.

5. Status report filed by State and custody certificate are on record. Learned State counsel opposes the prayer for regular bail, arguing that appellant had intimate relations with the deceased who was repeatedly asking him to marry her. Appellant refused to marry her as she belonged to low caste on account of which, their remained disputes and deceased committed suicide on that account. She further submits that in case



appellant was released on bail, he would tamper with prosecution evidence or flee.

6. Heard.

7. Appellant is in custody for the last more than two and half years. The FSL report, on record as Annexure P-3, does not reflect any semen on the vaginal swab or clothes of deceased. There is no suicide note left behind by the deceased. Deceased was not residing with her mother who lodged the FIR. Trial is in progress. Out of 15 witnesses, only 03 have been examined and 12 are yet to be examined. Conclusion of trial is likely to take long. It would be debatable in the facts and circumstances of the case whether the alleged act of appellant, refusing to marry the deceased which led her to commit suicide would amount to abetment of suicide within the meaning of Section 306 IPC. The element of mens rea too would be moot point on conclusion of trial.

8. Considering the prolonged period of custody, the role attributed to the appellant, the nature and substance of allegations against him but without commenting on merits of the case, the appeal is allowed. Order dated 21.11.2023 passed by learned Additional Sessions Judge, Ambala is set aside. Appellant Harvinder Singh @ Happy, is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

9. Pending applications, if any, also stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

13.02.2025
Kapil

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