



CRA-S-901-2023 and other connected matters

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212 (11 Cases)

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

Date of Decision:- 17.03.2025

(1)

CRA-S-901-2023

Dr. Piyush Mahajan

.... Appellant

VERSUS

State of Punjab

.... Respondent

(2)

CRA-S-902-2023

Dr. Swati Sharma

.... Appellant

VERSUS

State of Punjab

.... Respondent

(3)

CRA-S-927-2023

Pratibha Thakur

.... Appellant

VERSUS

State of Punjab

.... Respondent

(4)

CRA-S-928-2023

Priyanka Kaur Ahluwalia

.... Appellant

VERSUS

State of Punjab

.... Respondent



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(5)

CRA-S-929-2023

Nimisha Appellant

VERSUS

State of Punjab Respondent

(6)

CRA-S-954-2023

Beer Davinder Singh Appellant

VERSUS

State of Punjab Respondent

(7)

CRA-S-972-2023

Gaganmeet Kaur Appellant

VERSUS

State of Punjab Respondent

(8)

CRA-S-1052-2023

Dr. Manjit Singh Uppal Appellant

VERSUS

State of Punjab Respondent

(9)

CRA-S-1053-2023

Dr. Sangeeta Pahwa Appellant

VERSUS

State of Punjab Respondent



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(10)

CRA-S-1054-2023

Kawalpreet Singh @ Jimmy Appellant

VERSUS

State of Punjab Respondent

(11)

CRA-S-1058-2023

Dr. Sahiba Arora Appellant

VERSUS

State of Punjab Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. R.S. Rai, Senior Advocate assisted by
Mr. Gautam Dutt, Advocate with
Ms. Prachi Gupta, Advocate and
Mr. Ankur Mehta, Advocate
for the appellant(s) in CRA-S-901-2023 and
CRA-S-902-2023.

Mr. Amit Jhanji, Senior Advocate assisted by
Mr. Hakikat Singh Grewal, Advocate
for the appellant(s) in CRA-S-954-2023, CRA-S-1053-2023
and CRA-S-1058-2023.

Mr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Kanishk Swaroop, Advocate,
Mr. Pratham Sethi, Advocate and
Ms. Kritika Sareen, Advocate
for the appellant(s) in CRA-S-927-2023, CRA-S-928-2023,
CRA-S-929-2023 and CRA-S-972-2023.

Mr. Akshay Bhan, Senior Advocate assisted by
Mr. A.P.S. Sandhu, Advocate with
Mr. Ashish Kaushik, Advocate and
Mr. Abishai Alfred George, Advocate
for the appellant in CRA-S-1052-2023.



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Mr. Vikas Bali, Advocate
for the appellant in CRA-S-1054-2023.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Sanjay Kaushal, Senior Advocate assisted by
Mr. Yagyadeep, Advocate and
Ms. Pawelpreet Kaur, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. All appeals as referred above arising out of common FIR are taken up together with consent of learned counsel for parties.

2. Appellants Dr. Piyush Mahajan, Dr. Swati Sharma, Pratibha Thakur, Priyanka Kaur Ahluwalia, Nimisha, Beer Davinder Singh and Gaganmeet Kaur have filed separate appeals against impugned order dated 20.03.2023 passed by learned Additional Sessions Judge, Amritsar, whereas, appellants Dr. Manjit Singh Uppal, Dr. Sangeeta Pahwa, Kawalpreet Singh @ Jimmy and Dr. Sahiba Arora have filed separate appeals against impugned order dated 06.04.2023 passed by learned Additional Sessions Judge, Amritsar, whereby anticipatory bail applications of all aforementioned appellants were dismissed in FIR No. 0055 dated 09.03.2023 under Section 306 of Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 Act (for short 'SC/ST Act') registered at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

3. As per the facts of case, written complaint was filed by complainant Kamlesh Rani mother of deceased victim alleging that her

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daughter Pomposh was doing internship of MBBS in Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. She took admission in the year 2017. Her daughter was intelligent. Her associates Dr. Beer Davinder Singh, CR Gagandeep Kaur, Prabhneemat, Priyanka, CR Nimisha, Karanbir Singh, Pratibha, HOD Gynae Professor Swati, Principal Manjit Singh Uppal, Dr. Sahiba, Jimmy Steno and Dr. Piyush used to make comments naming her caste and used to say why she had come in this profession. They used to say that they will not allow her to become a Doctor. Complainant along with her father Tarsem Chand complained to Principal of college and Dean several times but they did not take any action. Principal humiliated her (complainant) and also called her daughter and was scolded. Due to this, her daughter remained under severe depression. She used to tell about the difficulties faced by her in the college. Her daughter was not attending her call for last two days, therefore, she personally came to Medical College, Amritsar to meet her. When she reached her room in the hostel but she did not open the door. She opened the door by pushing it and saw dead body of her daughter hanging from ceiling fan. She raised alarm. Hostel Superintendent Mr. Chaudhary and his associates brought down dead body of her daughter but did not report the matter to police. Complainant alleged that it seemed that her daughter was compelled to commit suicide or she was killed by aforesaid persons. With these allegations present FIR is registered.

4. Learned counsel(s) representing appellants Dr. Piyush Mahajan and Dr. Swati Sharma in CRA-S Nos. 901 and 902 of 2023 firstly took the

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stand that appellants have not committed any offence and they are falsely implicated in present FIR. Deceased was an intern and she committed suicide in hostel by hanging herself. There is no suicide note. In fact, deceased was an intern in Psychiatry Department for the month of September, 2022. Thereafter, she had no communication with appellant Dr. Piyush Mahajan, who is Assistant Professor in Psychiatry Department of Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. Copy of list of MBBS interns is Annexure A-2. In fact, deceased was struggling with mental health issue and was under depression. She was undergoing regular medical treatment from appellant Dr. Piyush Mahajan. Medical record of deceased is Annexure P-3. As per history of patient/deceased victim, she started feeling depressed on account of death of her grandmother and was having guilt feeling that she could not save her grandmother inspite of being a Doctor. It is further pointed out that there is a family history of committing suicide, since father of deceased had also committed suicide. Regarding earlier complaint, it is pointed out that there was an issue between deceased victim and other MBBS students. Inquiry committee was set up and matter was amicably settled. Statements of deceased victim and other students were recorded. Report of inquiry along with statements is Annexure P-4. No offence under Section 3 of SC/ST Act is made out. Even otherwise, present appellant was granted interim bail by the Coordinate Bench vide order dated 25.07.2023 and in pursuance of same, appellant has already joined investigation.

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Apart from aforesaid arguments, for Dr. Swati Sharma appellant it is argued that she has done Post Graduation i.e. M.S. in Obstetric and Gynaecology in the year 2006 and worked as Assistant Professor in Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar from the year 2017 till date. Deceased victim was never posted as an intern under appellant. She was not in direct or indirect contact with deceased for last about two years. Earlier she used to attend her class along with whole batch of 150 students. Present appellant has not instigated deceased in any manner to end her life. It is pointed out that she was granted interim bail by the Coordinate Bench vide order dated 25.07.2023 and accordingly, she has already joined investigation.

5. Learned counsel for appellant Manjit Singh Uppal in CRA-S-1052-2023 argued that appellant is innocent. He is now Vice Chancellor of Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar since November, 2022. Present appellant was not in direct contact with students. Therefore, there is no possibility of appellant being part of abetment in commission of suicide by deceased victim. Complainant has levelled allegations against multiple students, teachers and staff of hospital. In fact, as referred above, deceased was struggling with mental health issues and remained under treatment under Dr. Piyush Mahajan. OPD file of deceased is Annexure P-2. Learned counsel representing present appellant raised similar arguments regarding family history of committing suicide in family of deceased victim. She took admission in the year 2017 and was undergoing internship. During this period of five years, she did not

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file any complaint regarding harassment or casteist remarks of any nature. She was not the only student belonging to SC/ST category studying in college. There was no occasion for appellant or any other accused to taunt her by naming her caste/community. Regarding issue between deceased and other MBBS First year students, inquiry committee was set up and matter was amicably settled by said inquiry committee (Annexure P-4). In fact, college authorities engaged her to participate in annual function and she was given an important role to host the function. Photographs of annual function are annexed as Annexure P-9. No offence under Section 306 of IPC or under Section 3 of SC/ST Act is made out. Appellant was granted interim bail by the Coordinate Bench vide order dated 25.07.2023 and in pursuance of same, he has also joined investigation.

6. Learned counsel for appellants Pratibha Thakur, Priyanka Kaur Ahluwalia, Nimisha and Gaganmeet Kaur in CRA-S Nos. 927, 928, 929 and 972 of 2023 respectively raised similar arguments as referred above regarding the treatment of deceased victim for depression. Due to aforesaid illness, she ended her life. Now instant FIR has been registered against appellant(s) along with others including fellow interns and staff of Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. On the complaint of deceased, inquiry was conducted by Board of Committee. Office order, report of committee, statements of concerned students are Annexure A-5. In the case in hand, there is no specific role attributed to present appellants. No suicide note was recovered. Without appreciating factual position, their anticipatory bail applications were wrongly declined.

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Appellants Pratibha Thakur, Priyanka Kaur Ahluwalia, Nimisha and Gaganmeet Kaur were granted interim bail by the Coordinate Bench vide order dated 25.07.2023 and accordingly, they have joined investigation and they are still ready to abide by terms and conditions imposed by this Court.

7. Learned counsel for appellant Kawalpreet Singh @ Jimmy in CRA-S-1054-2023 argued that present appellant is merely a Steno appointed in Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. No specific role is attributed to him. No offence is made out qua him under Section 306 of IPC or under the provisions of SC/ST Act. He has not caused any threat or induced directly or indirectly deceased victim to take this step. There is no suicide note. Without appreciation of facts of case, anticipatory bail application filed by appellant was wrongly rejected vide impugned order dated 06.04.2023. Present appellant was granted interim bail by the Coordinate Bench vide order dated 25.07.2023 and he has already joined investigation.

8. Learned counsel for appellants Beer Davinder Singh, Dr. Sangeeta Pahwa and Sahiba Arora in CRA-S Nos. 954, 1053 and 1058 of 2023 respectively raised similar arguments as referred above. It is pointed out that Beer Davinder Singh was an intern. There are no specific allegations against present appellant. Contents of FIR does not indicate that appellant was aware of caste of deceased victim or she was intentionally humiliated or taunted within public view. In fact no offence is made out under Section 3 of SC/ST Act. There is nothing on record to show that present appellant abetted in any manner in commission of suicide by

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deceased victim. She has not left behind any suicide note.

Regarding appellant Dr. Sangeeta Pahwa it is pointed out that present appellant is Head of Department of Gynaecology in Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. Victim remained under treatment for acute depression. Due to death of deceased victim, complainant who is mother has levelled allegations against Principal, interns, teachers and staff members of hospital.

By raising similar argument, learned counsel pointed out that appellant Dr. Sahiba Arora is Head of Department of Biochemistry in Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. There are no specific direct allegations against present appellant. Learned counsel representing aforesaid appellants further confirmed that appellants were also granted interim bail by Coordinate Bench vide order dated 25.07.2023 and in pursuance of same, they have also joined investigation. They are not required for any other purpose. Their anticipatory bail applications were wrongly declined without proper appreciation of facts and circumstances of present case.

9. Status report was received in all cases except in CRA-S Nos. 902, 928, 929, 972, 1054 and 1058 of 2023. Detailed status reports already filed in lead case i.e. CRA-S-901-2023 will be read qua aforesaid cases.

Learned counsel representing State referred to status report dated 03.10.2024, according to which matter was inquired by Assistant Commissioner of Police, East, Amritsar who submitted his report No. 879-5E dated 26.03.2024 to the Office of Commissioner of Police, Amritsar

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where it was reported that except appellant Gaganmeet Kaur and Prabhneemat Kaur, all other accused were found to be innocent. Matter was again referred back for further investigation and Assistant Commissioner of Police, East, Amritsar furnished fresh investigation report No. 1498-5E dated 26.06.2024 with similar finding. Matter was again referred back for further investigation as per points raised by Deputy Commissioner of Police (Investigation), Amritsar. In Final Investigation Report bearing No. 1632-5E dated 22.09.2024, it was alleged that there were no circumstantial evidence found in said case to hold anybody guilty nor there was any conclusive proof against anyone nor there was any chain of evidence to establish that deceased was forced by anyone to commit suicide. Report was forwarded to Additional Deputy Commissioner of Police (City-3), Amritsar confirming aforesaid finding, as a result, cancellation report was recommended. Learned counsel representing State confirmed that cancellation report has been submitted regarding all petitioners on 02.01.2025. It is confirmed that all appellants/accused had already joined investigation. Since cancellation report has been submitted, therefore, they are no more required for investigation of this case.

10. Learned counsel representing complainant strongly opposed aforesaid appeals seeking anticipatory bail under the provisions of Section 306 of IPC and Section 3 of SC/ST Act. Learned counsel representing complainant pointed out that in the case in hand, firstly status report dated 04.05.2023 was submitted opposing appeals preferred by appellants taking specific stand that during the course of search, four diaries and one page

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handwritten by victim and three mobile phones of victim were recovered from her room. Fourth diary of 2007 contained 25 pages giving detail of incidents which happened with her in Medical College. Handwriting of deceased victim was got compared from Forensic Science Laboratory (FSL), SAS Nagar, Punjab. During the course of investigation, supplementary statement of complainant Kamlesh Rani was also recorded in which she specifically named all appellants/accused responsible for death of deceased victim. As per that status report, there were specific allegations against appellants/accused and appeals were strongly opposed. In second status report, specific role was attributed to each of appellant and report of FSL was also annexed as Annexure R-1. Thereafter, there was total change in stand by Investigating Agency. On the basis of inquiry report, now all appellants are found innocent and cancellation report has also been submitted in which complainant has been given notice. Complainant has put appearance and next date is fixed for filing of protest petition. In fact, deceased victim was constantly humiliated by appellants being student of SC/ST category and due to said mental pressure, she was forced to end her life by hanging herself from ceiling fan. Considering the gravity of offence, anticipatory bail applications filed by aforesaid appellants were rightly rejected and appeals preferred by them also deserve dismissal.

11. I have considered the arguments and have gone through the record carefully. Present FIR has been lodged on the complaint of Kamlesh Rani who is mother of deceased victim. Admittedly, deceased victim

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Pomposh student of MBBS was doing internship in Sri Guru Ram Dass Institute of Medical Science and Research, Sri Amritsar. There are allegations that she was harassed and humiliated in college, she being of SC/ST category. Investigating Agency during the course of investigation collected diaries, mobile phones, alleged handwritten page of deceased victim. Writing was got compared with standard handwriting and there is report of FSL dated 26.04.2023 (Annexure R-1) tagged with status report dated 09.11.2023. It is a case of unnatural death of victim in hostel room. Aforesaid appellants have taken stand regarding mental health problem of deceased victim and denied all allegations. Admittedly, there was dispute between some of the students and deceased victim, regarding which inquiry committee was constituted and matter was resolved. Detailed inquiry report dated 06.01.2018 is Annexure P-4 in the lead case. It is matter of record that in status report dated 04.05.2023, status report dated 09.11.2023, anticipatory bail of appellants was strongly opposed and thereafter, there is status report dated 03.10.2024, according to which on the basis of inquiry report, cancellation report has been submitted before the trial Court which is pending for 19.03.2025. Learned counsel representing complainant conceded that complainant has already received notice and has put appearance. Complainant intends to file protest petition in the said cancellation report. It cannot be ignored that appellants referred above were granted interim bail and all of them had joined investigation. Since cancellation report is submitted, therefore, appellants are not required for further investigation. Considering the aforesaid factual position, it will not



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be appropriate to state anything on the merits of case. Cancellation report will be adjudicated by the Court concerned on merits.

In view of aforesaid factual position, no purpose would be served by sending appellants behind the bars. All of them have already joined investigation. Therefore, impugned order dated 20.03.2023 passed against appellants/accused Dr. Piyush Mahajan, Dr. Swati Sharma, Pratibha Thakur, Priyanka Kaur Ahluwalia, Nimisha, Beer Davinder Singh and Gaganmeet Kaur and impugned order dated 06.04.2023 passed against appellants/accused Dr. Manjit Singh Uppal, Dr. Sangeeta Pahwa, Kawalpreet Singh @ Jimmy and Dr. Sahiba Arora, are accordingly set aside and all the appeals referred above are allowed, accordingly, interim bail already granted in favour of appellants in all the appeals vide order dated 25.07.2023 stands confirmed, subject to terms and conditions as detailed under Section 438(2) of Cr.P.C.

12. Pending miscellaneous application(s), if any, in all cases, stand disposed of accordingly as well.

13. A photocopy of this order be placed on the files of connected cases mentioned above.

17.03.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No