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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 555/2012 and Crl. M.A. 6942/2012 (permission to leave India)

KANWALJIT SANHOTRA

..... Petitioner

Through :Mr. Viraj Datar and Mr. Pritpal
Singh Nijjar, Advs.

Versus

STATE OF DELHI & ORS.

..... Respondents

Through :Mr. Mukesh Gupta, APP with SI
Amit Kumar, P.S. Hari Nagar

AND

+ BAIL APPLN. 578/2012 and Crl. M.A. 6943/2012 (permission to leave India)

JASWANT SINGH SANHOTRA

..... Petitioner

Through : Mr. Viraj Datar and Mr. Pritpal
Singh Nijjar, Advs.

versus

STATE

..... Respondent

Through : Mr. Mukesh Gupta, APP with SI
Amit Kumar, P.S. Hari Nagar

AND

5

+ BAIL APPLN. 582/2012 and Crl. M.A. 6941/2012 (permission to leave India)

RAJINDER KAUR SANHOTRA

..... Petitioner

Through : Mr. Viraj Datar and Mr. Pritpal
Singh Nijjar, Advs.

Versus

STATE

..... Respondent

Through : Mr. Mukesh Gupta, APP with SI
Amit Kumar, P.S. Hari Nagar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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04.10.2012

One Ms. Jyotsana Sanhotra (hereinafter referred to as "deceased") committed suicide by hanging on 17th February, 2012 at her sister's house in New Delhi. Learned counsel for the petitioner has contended that the deceased was married to Kanwaljit Sanhotra, a British citizen of Indian origin on 12th May, 2006. Jaswant Singh Sanhotra and Rajinder Kaur Sanhotra are parents-in-law of deceased. After the marriage deceased joined her husband in London, U.K. in the year 2006 itself. Parents-in-law were living in London but not with the complainant, that is, the deceased and Kanwaljit Sanhotra. Deceased used to visit India. A miscarriage took place

6

in the year 2009. Since then deceased had gone in depression. She was treated in North East London NHS Foundation Trust. Subsequently, a child was born on 3rd October, 2010 in London itself. On 18th November, 2011 deceased came to India and since then she had been living at her parents' house till she died on 17th February, 2012.

As per the prosecution, deceased was not treated properly by her husband and in-laws during her stay with them in London. Husband of deceased was having an affair with his earlier wife. Husband and in-laws of the deceased used to taunt her. Her husband had also manhandled her on several occasions. In the month of April, 2011, deceased left her matrimonial home and came to India for staying with her parents. On 7th April, 2011 Kanwaljit Sanhotra came to India to take her back, when he has admitted in writing that the deceased was mistreated by him and his parents and for this reason she had gone in depression. He assured that deceased would be kept in a happy and peaceful environment. This letter was written and signed by Kanwaljit Sanhotra in the presence of his mother, grandmother and the deceased. On this written assurance, deceased joined company of her husband at London. However, she was not kept properly even thereafter resultantly she returned back India on 18th November, 2011.

7

On 22nd November, 2011, mother-in-law of the deceased visited the house of parents of deceased along with some other persons and created a scene. She also abused the deceased and her family members in respect whereof a complaint was made to Station House Officer, Police Station Janakpuri on 22nd November, 2011. In nutshell, case of the prosecution is that deceased committed suicide since she was maltreated by the petitioners.

Per contra, counsel for the petitioners has argued that the deceased had undergone depression on account of miscarriage. She was treated properly during her stay in the matrimonial home. She was provided proper medical treatment in London and entire medical expenses were borne by Kanwajit Sanhotra. While deceased was in India after 22nd November, 2011 petitioner had offered her full financial assistance and advised her to take medication from 'Ethos Healthcare' for depression. He even paid money to 'Ethos Healthcare'. He further contends that it is the mother of deceased who insisted for treatment in G.B. Pant Hospital. Reliance has been placed by him on an email to Ethos Healthcare and Education as also the reply of the said hospital to show that petitioner Kanwaljit Sanhotra had done whatever he could have done to provide medical treatment to the deceased even during her stay in India after 18th November, 2011. As regards letter

written by him is concerned, it is contended that Kanwaljit Sanhotra was in love with the deceased and he wanted her to join his company in London, thus, had written the letter, as was desired by the mother of deceased. On 22nd November, 2011 Rajinder Kaur Sanhotra had gone to meet the deceased in order to advise her to return to London and not to continue living in India, which was in the interest of deceased as well as the child. Kanwaljit had filed a complaint with the police in London that the deceased had taken away the child with her. As a counterblast to that complaint deceased filed a complaint on 22nd November, 2011 at the police station. The said complaint was filed vide DD No. 55-A on 22nd November, 2011 itself, since it was not seriously pursued by the deceased as Kanwaljit agreed not to pursue his complaint in London. It is further contended that for four months deceased was living separately at her parents' house, away from her husband and his family members, thus, it cannot be said that the parents had abetted the deceased to commit suicide.

Keeping in mind the totality of the circumstances, it is ordered that in case of arrest petitioners be released on bail, subject to each of them furnishing personal bond(s) in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety each in the like amount to the satisfaction

9

of Investigating Officer/Station House Officer concerned. Petitioners shall, however, cooperate in the investigation and appear before the Investigating Officer as and when they are called upon to do so. It is made clear that Kanwaljit Sanhotra shall not leave the country without seeking prior permission of the trial court. But this condition will not be applicable to other petitioners.

Bail applications as well as miscellaneous applications are disposed of in the above terms. Dasti.


A.K. PATHAK, J.

OCTOBER 04, 2012
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