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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39159-2015 (O&M).
Decided on: May 10, 2016.

Sudhir Gupta and others

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT Mr.Vikram Chaudhri, Sr. Advocate, with
Mr.S.S.Gill, Advocate,
for the petitioners.

Mr.C.S.Bakshi, Addl. A.G., Haryana.

Mr.R.S.Rai, Sr. Advocate, with
Mr.Abhinav Sood, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL).

Petitioners Sudhir Gupta, Sudha Gupta, Shobika Gupta and Shubham Gupta, have filed the present petition under Section 438 Cr.P.C. for the grant of pre-arrest bail in case which was registered at the instance of Anand Prakash Pilaniya, father of Rakesh who has committed suicide after jumping from the 9th floor. Petitioner Nos. 1, 2 and 4 are father-in-law, mother-in-law and brother-in-law of deceased whereas petitioner No.3 is wife of deceased. They are residents of Uttar Pradesh. The FIR was registered on the allegations that the petitioners used to harass the

deceased by raising accusations against him and threatening him to implicate him in a false case of cruelty to wife. On account of said mental harassment Rakesh allegedly committed suicide.

Pursuant to the interim order passed by this Court, the petitioners have joined investigation.

The case of the prosecution is that the deceased had telephonically informed his parents that he was mentally harassed by all the accused. He has also sent a message on whatsapp to the Commissioner of Police, Gurgaon, regarding the harassment by the petitioners.

Mr.Vikram Chaudhri, learned senior counsel for the petitioners has vehemently contended that the deceased used to treat his wife with cruelty regarding which a complaint had been made to the police.

The whatsapp messages which have been sent by the deceased to the Commissioner of Police, Gurgaon, includes the names of his in-laws, brother-in-law and wife having harassed him and his family to such an extent that he was unable to take any more. He had mentioned therein that if anything happens to him they will be responsible for his death.

The main contention of the learned senior counsel for the petitioners is that the deceased was suffering from mental ailment for which he had been getting treatment from Sri Ganga Ram Hospital Delhi and regarding which Annexure P3, medical

prescriptions have been appended. It has also been submitted that the deceased was also getting himself treated in AIIMS Delhi for mental ailment.

Learned senior counsel for the petitioners has further referred to the OPD record of Psychiatric Department wherein the deceased had been diagnosed as a person in low mood, fatigue and with a history of suicide by him. The doctor had prescribed 24 hours supervision of him and to keep harmful objects away from him.

Learned senior counsel for the complainant has argued that the medical record of Sri Ganga Ram Hospital produced on record pertains to another patient. The mental ailment of the deceased has been denied.

I have heard the learned senior counsel for the petitioner as well as learned senior counsel for the complainant and carefully gone through the facts and circumstances of this case. The deceased was mentally perturbed as is indicated from the documents made available. This is an unfortunate incident where a person who wanted extra ordinary care and caution had been treated harshly as a result of which he appears to have committed suicide. Whether the act of all the petitioners will fall within the ambit of abetment will certainly be a debatable issue because being parents-in-law, they cannot be presumed to have an intention that the son-in law should die by committing suicide. The specific role of petitioner

Nos.1, 2 & 4, is yet to be determined during the course of investigation.

So far as petitioner No.3-wife is concerned, she was the person who was most intimate to the deceased. She owed an extra ordinary duty towards her husband. The sensitivity of the husband would be known to her only. The role played by her on the face of it does not appear to be appreciable. Petitioner Nos.1, 2 & 4, can be granted the concession of pre-arrest bail.

The petition qua petitioners Sudhir Gupta, Sudha Gupta and Shubham Gupta, is allowed. It is ordered that in case of arrest of petitioners Sudhir Gupta, Sudha Gupta and Shubham Gupta, they will be released on bail to the satisfaction of the arresting officer. However, no ground is made out to grant concession of pre-arrest bail to petitioner-wife Shobika Gupta, at this stage. Petition qua Shobika Gupta is dismissed.

(M.M.S. BEDI)
JUDGE

May 10, 2016.
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