

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40779-2016 (O&M)
CRM-M-41193-2016 &
CRM-M-41943-2016
Date of decision: November 28, 2016.

Deepika Babbar and others
Ashwini Sehdev
Nisha Karwal

... **Petitioners**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri J.S. Jaidka, Advocate for the petitioners.

Shri Shailesh Gupta, Additional Advocate General, Punjab.

Shri Navkiran Singh, Advocate for the complainant.

A.B. Chaudhari, J. (Oral):

CRM No.37236 of 2016 is allowed and the documents accompanying thereto are taken on record.

Heard learned counsel for the rival parties. In FIR No.118 dated 18.8.2016, registered under Section 306 IPC at Police Station Division No.4, Jalandhar, the petitioners are seeking the grant of anticipatory bail.

Learned counsel for the State as well as complainant vehemently oppose these petitions for anticipatory bail on the ground that the petitioners have repeatedly and continuously indulged into abetment of suicide as is clear not only from the telephonic conversation but also from

the suicide note. Counsel for the complainant submits that there is obviously element of 'abetment' within the meaning of Section 107 IPC and therefore there is a prima facie case against the petitioners.

Per contra, learned counsel for the petitioners prayed for grant of anticipatory bail and submits that there is no date of conversation which has been produced on record and therefore all the petitioners are entitled to grant of anticipatory bail.

I have heard learned counsel for the parties at length and have seen the entire conversation and also the suicide note. Perusal of the entire papers shows that except for Ashwani Sehdev, all other petitioners would be entitled to grant of anticipatory bail since the degree of abetment of suicide by hurling abuses on telephone or otherwise in respect of other except Ashwnai Sehdev does not show prima facie such instigation that the deceased or a reasonable and prudent person would commit suicide. Hence, all the petitioners except Ashwani are ordered to be released on anticipatory bail to the satisfaction of the arresting officer. In so far as the case of Ashwani Sehdev is concerned, I have seen the conversation (Annexure A-1) filed along with the CRM application by the counsel for the complainant. Submission made by counsel for the petitioners that it does not have any date, cannot be accepted at this stage and would be better seen by the trial court during trial or at least upon completion of the investigation.

I have perused the entire conversation between Ashwani Sehdev and deceased Vikrant Shoor and I find that prima facie such conversation is bound to lead one to go in such a state of mind as to commit

suicide. In that view of the matter, petition for grant of bail by the petitioners except Ashwani is accepted and they are ordered to be released on anticipatory bail to the satisfaction of the arresting officer.

November 28, 2016.
kadyan

[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No