

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

***CRM No.M-43419 of 2015 (O&M)
Date of decision : 05.04.2016***

Sanju Bala @ Sanju Behl

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM No.M-5570 of 2016 (O&M)

Gulshan Behl

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM No.M-6145 of 2016 (O&M)

Deepika

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. B.S. Bhalla, Advocate for the petitioner(s).

Mr. D.S. Virk, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-43419 of 2015 titled as Sanju Bala @ Sanju Behl vs. State of Punjab, CRM No.M-5570 of 2016 titled as Gulshan Behl vs. State of Punjab and CRM No.M-6145 of 2016 titled as Deepika vs. State of Punjab as these three connected petitions have been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.257 dated 08.09.2015, under Sections 306/34 IPC, registered at Police Station Salem Tabri, District Ludhiana.

Briefly, it may be noticed that FIR in question was registered

on the statement of Karan Sharma. Deceased is Avinash Sharma i.e. father of the complainant and who stated to have committed suicide on 08.09.2015.

Sanju Bala @ Sanju Behl (petitioner in CRM No.M-43419 of 2015) is the mother-in-law of the complainant, Gulshan Behl (petitioner in CRM No.M-5570 of 2016) is the father-in-law of the complainant and Deepika (petitioner in CRM No.M-6145 of 2016) is the wife of the complainant.

Perusal of the FIR would itself reveal that it is a case of matrimonial dispute wherein Deepika, one of the petitioners herein, and her husband-Karan Sharma (complainant) were not getting along. Allegations broadly are that parents of Deepika used to interfere in the matrimonial alliance and on many occasions had come to the house of Karan Sharma and had abused Avinash Sharma (since deceased).

While issuing notice of motion on 19.01.2016, the following order was passed by this Court in CRM No.M-43419 of 2015:

“Present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No.257 dated 08.09.2015, under Sections 306/34 of Indian Penal Code, registered at Police Station Salem Tabri, Ludhiana.

FIR in question was registered on the statement of Karan Sharma i.e. son-in-law of the present petitioner. Deceased is Avinash Sharma i.e. father of Karan Sharma who is stated to have committed suicide on 08.09.2015.

Perusal of the FIR would reveal that it is a case of matrimonial dispute wherein Deepika i.e. daughter of the present petitioner and her husband Karan Sharma were not getting along. Allegations are that parents of Deepika used to interfere in the matrimonial alliance and on many occasions

had come to the house of complainant Karan Sharma and had abused deceased Avinash Sharma. Allegations are also against a neighbour, namely, Pawanpreet Grewal, who is stated to have instigated the parents of Deepika.

Counsel would, inter alia, contend that there is no overt or direct act attributed to the petitioner which would constitute offence of abetment to suicide and to fall within the mischief of Section 306 IPC.

Notice of motion, returnable for 05.04.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

While issuing notice of motion on 16.02.2016, the following order was passed by this Court in CRM No.M-5570 of 2016:

“Counsel would place reliance upon an order dated 19.01.2016 passed by this Court in CRM No. M-43419 of 2015 whereby co-accused Sanju Bala @ Sanju Behl against whom there were similar allegations has been granted interim protection.

Notice of motion, returnable for 05.04.2016.

To be listed along with CRM No. M-43419 of 2015.

Interim protection in the same terms.”

Likewise, while issuing notice of motion on 19.02.2016, the following order was passed by this Court in CRM No.M-6145 of 2016:

“Counsel would contend that co-accused Gulshan Behl and Sanju Bala @ Sanju Behl and against whom there were similar allegations, have been granted ad interim protection vide order dated 16.2.2016 and 19.1.2016 passed in CRM Nos. M-5570 of 2016 and M-43419 of 2015 respectively.

Notice of motion, returnable for 5.4.2016.

To be heard along with CRM No. M-43419 of 2015.

Interim protection in the same terms.”

Learned State counsel upon instructions from ASI Paramjit Singh would apprise the Court that the petitioners in these three connected petitions have since joined investigation. He further submits that there is no recovery is to be effected from them as such.

In the light of the allegations made by the complainant, the issue as to whether offence of abetment to suicide and to fall within the mischief of Section 306 IPC is made out against the present petitioners would be a matter of investigation and thereafter during the course of trial.

In view of the facts and circumstances noticed hereinabove and coupled with the situation whereby petitioners have already joined investigation, their custodial interrogation would not be warranted.

Accordingly, petitions are allowed. Orders dated 19.01.2016 in CRM No.M-43419 of 2015, 16.02.2016 in CRM No.M-5570 of 2016 and 19.02.2016 in CRM No.M-6145 of 2016 are made absolute.

Disposed of.

05.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**