

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

(206)

CRM-M-8589-2016

Decided on: April 23, 2016.

Nitish Bhardwaj

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. K.D.S. Hooda, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Mordhwaj, father of Yashomti Sharma, who has allegedly committed suicide on account of petitioner having refused to marry her despite a long relationship between them.

Learned counsel for the petitioner has submitted that only relationship of the petitioner with the deceased was that they were working as partners to share profit in the ratio of 30:70 and that the petitioner did not have any relation with the deceased prior to April, 2015. He has also argued that even if the allegations are presumed to be correct, breach of promise cannot be termed as abetment of suicide.

I have heard learned counsel for the petitioner and with the assistance of learned State counsel and ASI Bakshish Singh, I have gone through the police file.

Perusal of the police file indicates that statements of a number of witnesses stand recorded under Section 161 Cr.P.C regarding the affair of the deceased with the petitioner. The evidence in the shape of statement of witnesses and the SMS messages indicate that the deceased had close intimacy with the petitioner besides they being functioning jointly as professionals. Statements of the witnesses are there to the effect that the deceased had told the witnesses regarding the promise of the petitioner to marry her. It will be pre-mature at this stage to form an opinion that the conduct of the petitioner would not fall under the provisions of Section 107 IPC and whether the acts of the petitioner would constitute intentionally aiding the commission of suicide by the deceased. The investigation being at initial stage, it will not be appropriate for this Court to grant concession of bail as no extra ordinary exceptional circumstances exist to grant concession of bail to the petitioner.

Petition is dismissed.

Nothing said in this order will prejudice the right of the petitioner to seek concession of regular bail in accordance with law.

(M.M.S. BEDI)
JUDGE

April 23, 2016
harsha