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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 977/2016**

HARSH CHAWLA

..... Petitioner

Through: Mr. Ajay Burman, Sr. Adv. with Ms.
Sadhvi Gaur and Mr. Amitesh Raj,
Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sudershan Joon, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.07.2016

Learned senior counsel for the petitioner submits that petitioner is mother-in-law of the deceased who committed suicide after three months of her marriage. It was a love marriage between the deceased and petitioner's son. Deceased and petitioner's son were living separately at Defence Colony; whereas petitioner had been living with her husband at Meera Bagh, Paschim Vihar, Delhi. Even in the suicide note, deceased has not alleged any torture by the petitioner on the ground of demand of dowry or otherwise. As per the suicide note, when deceased told the petitioner that she was being ill-treated by her husband, petitioner did not advice her son not to do so; instead she suggested that deceased should be more

accommodating.

Learned APP for the State submits that it was the moral and legal obligation of the petitioner to have advised her son to behave properly and since she did not do so she is deemed to have harassed the deceased. Learned APP concedes that petitioner was living separately, inasmuch as, it was a love marriage between the petitioner's son and deceased. Learned APP submits that charge-sheet has been filed thereafter this application has become infructuous.

Learned senior counsel for the petitioner has placed reliance on the judgment dated 22nd August, 2012 passed in bail application 968/2011 titled Sharad Kumar Aggarwal vs. State and judgment dated 15th December, 2010 passed in bail application 1858/2001 titled Harpal Singh vs. State of NCT of Delhi, to contend that mere filing of a charge-sheet will not make the anticipatory bail application infructuous.

I have perused the judgments relied upon by the petitioner wherein it has been held that there is no justification to deny the anticipatory bail on the ground of filing of the charge-sheet.

Keeping in mind the rival contentions of the parties and the facts and circumstances as detailed above, it is ordered that in case of arrest petitioner

be released on anticipatory bail subject to her furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigation Officer/SHO concerned.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JULY 14, 2016

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