

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

**Crl. Misc. No. 35566 of 2017 in/and
Crl. Misc. No.M-19301 of 2017 (O&M)
Date of Decision: November 09, 2017**

Ishita Gupta

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajiv Dhawan, Advocate
for the petitioner (s).

Mr. C.L.Pawar, Senior D.A.G. Punjab.

Mr. R.K.Gupta, Advocate
for the applicant/complainant.

SURINDER GUPTA, J.(Oral)

CRM-35566-2017

This is application for placing on record the photographs
(Annexure R-1), which is taken on record, subject to all just exceptions.

Application stands disposed of.

CRM-M-19301-2017

The present petition has been filed under Section 438 Code of
Criminal Procedure for grant of anticipatory bail to the petitioner in case
FIR No. 77 dated 07.05.2017 registered for the offence punishable under
Section 306 of Indian Penal Code at Police Station Sarabha Nagar,
Ludhiana.

Heard.

Learned State counsel on instructions from ASI Janak Raj submits that petitioner has joined the investigation which is still in progress and police does not require her custodial interrogation.

Learned counsel for the complainant has opposed the bail application of the petitioner and has argued that after marriage, the petitioner firstly got the deceased separated from his family and because of her extravagant life style she used to go to night clubs at Chandigarh. A CCTV installed at the house of deceased has a clipping about quarrel between the deceased and the petitioner, after which she left the house. Behaviour, conduct and attitude of petitioner abetted her husband, who was a sensitive boy to commit suicide.

It is not the case of Investigating Agency that the petitioner is not co-operating with it, or not answering the questions put to her. The CCTV clippings and other facts as submitted by learned counsel for the complainant can be given to investigating officer for scrutiny to find as to whether it provides any material evidence of abetment to the deceased to commit suicide. The custodial interrogation of petitioner to verify the above facts is not required.

In view of submission of learned State counsel but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 25.05.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make herself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer;

- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

November 09, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***