

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

CRM-M-9559-2017 (O&M)

Date of decision-21.03.2017

Deepika Sharma

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Shivoy Dhir, Advocate for the petitioner(s).

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 439(2) of the Criminal Procedure Code has been filed for cancellation of anticipatory bail granted to respondent Nos.2 to 5 vide order dated 16.01.2017 by the Court of Session Judge, Shaheed Bhagat Singh Nagar in FIR No.89 dated 08.12.2016 registered under Section 306 of Indian Penal Code (in short IPC).

Learned counsel for the petitioner contends that respondent Nos.2 to 5 induced/abetted the husband of the petitioner to commit suicide as they refused to return the amount which was given by the husband of the petitioner as loan and ingredients of Section 306 of Indian Penal Code are attracted in the present case.

I have heard learned counsel for the petitioner and have gone through the case file.

The petitioner is aggrieved against the expression reflected in order dated 16.01.2017 passed by learned Session Judge, Shaheed Bhagat Singh Nagar to the extent that in order to constitute abetment "*the abettor*

must be shown to have intentionally aided the commission of crime, Mere proof that the crime could have not been committed without the interposition of the alleged abettor is not enough compliance with the requirement of Section 107 of IPC.” However, the learned Court has clarified that any expression would not have any bearing with the merits of the case. The learned counsel for the petitioner has failed to refer any document or circumstance whereby it could be inferred that the respondent Nos.2 to 5 having been admitted to anticipatory bail, have misused the concession of bail.

In view of the above, no case for cancellation of anticipatory bail granted to respondent Nos.2 to 5 is made out.

Consequently, present petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

March 21, 2017
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No