

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

Criminal Misc. No.M- 42395 of 2016(O&M)

Date of Decision: February 15 , 2018.

Amit Kakkar PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Harparteek S.Sandhu, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mrs. Ekta Thakur, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0135 dated 09.10.2016 under Sections 306/120B IPC, registered at Police Station Kharar, District Mohali.

As per the allegations in the FIR, the petitioner was running a company by the name 'Easy Visa Company'. The deceased and her husband, the complainant were running an academy for imparting training to students desirous of taking IELTS. It is further stated that they also used to send students abroad through the Easy Visa Company run by the petitioner. Admittedly, there were transactions between the complainant, his wife and Easy Visa Company. It is stated by the complainant that on 09.10.2016 two persons (not the petitioner) had

come to the residence of the complainant. They quarreled with his wife (the deceased) and used abusive language. It is stated that the complainant's wife was extremely upset and at about 1.30 p.m., she poured kerosene oil upon herself and committed suicide. A suicide note is stated to have been left by the complainant's wife whereby she stated that the present petitioner alongwith Sahiba and Ruchi are responsible for her death. They allegedly harassed her mentally for the last 1-1/2 months as they are not returning the money handed over to them for sending the children abroad neither were they taking action for sending them abroad. Other persons have been named in the suicide note as well.

Learned senior counsel for the petitioner argues that the present petitioner is not the director of the Easy Visa Company. Reference is made to Annexure P2 (Collectively). Moreover, it is debatable whether the allegations in the FIR would constitute an offence punishable under Section 306 IPC against the petitioner. It is argued that there is no such act, word or action on the petitioner's part which amounts to instigation or abetment of suicide. It is further submitted that the petitioner was falsely implicated in a number of other cases as mentioned in affidavit dated 15.09.2017 filed on behalf of the State. It is pointed out that even as per the said affidavit, the petitioner has been acquitted in six of the matters. Subsequently, he has been acquitted in another FIR No.291 dated 02.11.2011. It is submitted that the petitioner has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State as well as the complainant have opposed this petition while stating that the petitioner is in fact the owner of the

Easy Visa Company. There are specific allegations against him in the FIR and the suicide note left by the complainant's wife. It is however not denied that there were transactions between the complainant and his wife/Academy run by them and Easy Visa Company for sending students abroad and as per the allegations in the suicide note, the petitioner gave false assurances to the deceased and did not carry out his side of the transaction.

Learned counsel for the State, on instructions from ASI Harpal Singh, verifies that the petitioner has joined investigation. It is informed that investigation in this case is almost concluded and the final report under Section 173 Cr.P.C. is likely to be presented against the petitioner in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. No useful purpose shall be served by taking the petitioner in custody.

Keeping in view the facts and circumstances as detailed above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 28.11.2016 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 15 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No