

**In the High Court of Punjab and Haryana at Chandigarh**

**Crl. Misc. No. M-43472 of 2018 (O&M)**  
**Date of Decision: 9.10.2018**

Uma Sharma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Ms. Tanu Bedi, Advocate  
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. J.S.Bedi, Sr. Advocate with  
Mr. Sunil Sihag, Advocate  
for respondent No. 2.

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**ANITA CHAUDHRY, J**

**CRM-36028-2018**

The application is allowed and reply filed by the complainant is taken on record.

**CRM-36143-2018**

The application is allowed as prayed for.

Amended memo of parties is taken on record.

**CRM-M-43472-2018**

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 207 dated 18.5.2018, registered under Sections 306, 34 IPC, Police Station Sector-40, Gurugram, District Gurugram (Haryana).

Counsel for the petitioner submits that the mother-in-law of the

petitioner had committed suicide and she had left a suicide note wherein general allegations were made. The counsel refers to the suicide note and urges that the accusations were that the petitioner did not care for her daughter and used to harass the deceased and used to push her around. The counsel further submits that the marriage of the petitioner with the son of the deceased was solemnized in 2006 and there was no litigation pending between the couple though there were temperamental differences between them and the husband is a practicing lawyer. The counsel also submits that the ambience in the home was disturbed which was affecting the child and she had written an essay in her class on her family and she had mentioned about the problems and the fights between the petitioner and the complainant and that the grandmother used to incite the son and the school had summoned the parents to discuss. Counsel for the petitioner further contends that there is a reference to altercations with regard to preparation of food which cannot fall under Section 107 Cr.P.C. The counsel further contends that a number of persons had met for discussion in the house of the complainant which were recorded and the extract has been placed on record which would show that the husband was not giving sufficient money to the wife and the deceased was not allowed to be present in the meeting and the son had asked her to go out. The counsel also submits that a strange argument had been presented before the Court below that the original suicide note has to be recovered and the allegations do not bring the case under Section 306 IPC. Reliance was placed upon ***Sanjay and others versus State of Haryana 2015(2) RCR (Criminal) 312, Jagdeep Kaur versus State of Punjab 2013(4) RCR (Criminal) 1013, Gayatribai versus State of M.P. 1995 Supp (3) Supreme Court Cases 731 and Sanju alias Sanjay Singh***

***Sengar versus State of M.P. (2002) 5 Supreme Court Cases 371,***

The bail application has been opposed by the counsel representing respondent No. 2. It is urged that the story regarding the essay written by the daughter was not raised before the Court below and they are placing on record the copy of the application filed by the petitioner. The senior counsel further submits that the petitioner used to threaten and misbehave and harassed the mother-in-law and she would extend threats that she would call the police and she is educated and there are statements of the daughter, the neighbours and the paying guests who have all deposed against the petitioner and the circumstances were created in the house and the petitioner is not entitled to anticipatory bail. The senior counsel also submits that the suicide note cannot be disputed as there is a CCTV footage and the deceased went to the market and got the suicide note photocopied and only the photocopy was recovered and the original is missing. The senior counsel further submits that the suicide note refers to the perpetual humiliation and harassment the deceased was facing at the hands of the petitioner and she was fed up with the harassment and it was continuous. The counsel also contends that the transcript which has been placed on record would show that the petitioner was demanding Rs. 50.00 lacs.

The petitioner has pleaded that she is highly qualified and having a degree in MBA from Symbiosis Pune. The complainant and the petitioner were married in 2006 and have a daughter who is presently with the father. The mother-in-law committed suicide. She left a suicide note and made sure that it came in the hands of her son. She got a photocopy prepared and there is a CCTV footage which had captured her leaving the house on a scooty and going to a photocopy shop. The police has recorded

the statements of the shopkeeper, the daughter of the petitioner and the paying guest. The family members have spoken about the harassment the deceased was suffering at the hands of the petitioner which was perpetual. The incident cannot be said to have been occurred in a fit of anger. The deceased has spoken about the misbehaviour by the petitioner and what all she had to undergo to save her self-respect. The stand of the police is that the original suicide note is to be recovered. The police had recorded the statement of the petitioner according to which the original suicide note is with her.

Considering the seriousness of allegations, I am not inclined to grant anticipatory bail.

The petition is dismissed.

**(ANITA CHAUDHRY)**  
**JUDGE**

**October 09, 2018**  
Gurpreet

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|----------------------------------|----------|------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>No</b>  |