

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

CRM-M-17255-2020 (O&M)
Date of decision : 09.09.2020

Shivam Nanda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Chaudhri, Sr. Advocate,
with Mr. S.S. Gill and Mr. Rahil Mahajan, Advocates,
for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab.

Mr. Veneet Sharma, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in FIR No.73 dated 10.06.2020 registered under Section 306 of the Indian Penal Code, at P.S. Majitha Road, District Police Commissionerate, Amritsar.

Contentends that the petitioner and the deceased had developed a friendly relationship and they never breached the boundaries drawn by their families. A few days before the death, the deceased had apprised him that her father had been very harsh and had taken away her phone since the last

few days as he doubted her of having misappropriated some money. Even as per the prosecution story, the deceased had consumed some poisonous substance in the morning of 03.06.2020 and she breathed her last on 10.06.2020. However, the matter regarding consumption of poisonous substance was not reported to the police and the FIR came to be lodged only on 10.06.2020, only after her death. The authenticity and veracity of the suicide note is also highly doubtful which was statedly recovered from the room of the deceased on 02.06.2020, whereas, the deceased had consumed some poisonous substance on 03.06.2020. Otherwise also, going by the allegations, refusal to get married cannot be termed as an abetment to suicide.

On the other hand, learned State counsel, assisted by learned counsel for the complainant, contends that the petitioner has been specifically named by the deceased in the suicide note left by her. He also refers to the transcript of messages exchanged by the petitioner and the deceased (Annexures R-6 to R-10) to contend that very cheap and filthy messages which touched the dignity of the deceased were sent by the petitioner and the petitioner had also been threatening to ruin the family of the deceased.

Heard.

The suicide note recovered during investigation from the room of the deceased indicts the petitioner. She has clearly stated that in case, anything happens to her, the petitioner would be solely and completely responsible. The photographs and Whatsapp chat placed on record with the reply clearly show that the petitioner and the deceased were in an intimate relationship. The allegations against the petitioner are of continuously

harassing the deceased which led her to take such extreme step.

Keeping in view the totality of the circumstances, this Court feels that the custodial interrogation of the petitioner is necessary in the instant case to unearth the truth. Therefore, no case for grant pre-arrest bail is made out.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

09.09.2020
 jyoti-II/atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No