IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

115+211 **CRM-M No.19646 of 2021 (O & M)**
Date of decision:28.07.2021

Deepika Sethi ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Balbir Kumar Saini, Advocate for the complainant.

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SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-21460-2021

Application is allowed. Annexure P-15 is taken on record.

Main Case

Vide the instant petition filed under Section 439 of Cr.P.C. the petitioner is seeking grant of regular bail in case FIR No.125, dated 25.08.2020 registered for offence under Sections 306 and 34 IPC, 1860, at Police Station Daresi, District Ludhiana, Punjab.

As per the version of the prosecution, FIR, Annexure P-1, has been registered on the complaint by Shubham Gulati, nephew of deceased, Munish Sethi, on the allegation that his wife, Deepika (present petitioner) and her relations have abetted his suicide.

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Counsel for the petitioner has urged that the petitioner was married to the deceased in the year 2006 and two children, a daughter and a son, were born out of the wedlock. By referring to the FIR, Annexure P-1, he submits that there was a marital discord between them and they never got along. He submits that a compromise was arrived at between the couple on 18.09.2017, wherein it was agreed that the custody of the daughter will remain with the deceased and the son, who is two months old, will remain with the mother. However, despite the compromise, the relations between the parties remained bitter. Counsel submits that in November, 2017, the petitioner filed petitions under the Protection of Women from Domestic Violence Act, 2005, Annexure P-3, levelling allegations of cruelty, harassment and demand of dowry and under the Guardians and Wards Act, 1890, Annexure P-5, for the custody of the daughter. Counsel submits that with the intervention of the relatives, another compromise was arrived at between the parties on 11.03.2018, and the deceased gave an undertaking that he will desist from consuming liquor and he will not physically assault the petitioner. In terms of the compromise, both the petitions filed by the petitioner were withdrawn and the parties started residing together. Counsel argues that again in March, 2020 because of the unbearable attitude of the deceased, petitioner left her matrimonial home and went to her paternal house at Jalandhar with both the children. As per the counsel, after the deceased forcibly took the daughter from her paternal home at Jalandhar in July 2020, the petitioner lodged a complaint, Annexure P-8, against him for abduction as a result of which, he used to remain under mental

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pressure and he committed suicide on 24.08.2020. By referring to the transcript of the audio purportedly recorded by the deceased, a few hours before hanging himself to death, counsel contends that no accusation has been levelled against the petitioner of having instigated him to commit suicide. Counsel has also made a reference to the prescription slip, Annexure P-15, to argue that the deceased was a mental wreck and undergoing psychiatric treatment. He asserts that as the essential ingredients of Section 306 IPC are missing, the investigation qua the petitioner is complete, challan has been presented and the petitioner, who is 32 years of age and is in custody since 23.03.2021, deserves to be granted bail.

Per contra, learned State counsel, who is assisted by Mr. Balbir Kumar Saini, Advocate for the complainant have opposed the petition. By relying on the signed statement of Ashok Kumar, who has admitted to have had physical relations with the petitioner and to the affidavit dated 20.05.2021 filed by the Assistant Commissioner of Police (North), Ludhiana, in CRM-M-29371-2020, it has been contended that the petitioner was having an extra-marital affair, which was a cause of acrimony between the couple. He has urged that in the FIR, specific allegations have been levelled against the petitioner and her family of having played an active role in the instigation of the deceased. State counsel, upon instructions from SI Chaman Singh, submits that challan has been presented against the petitioner on 24.04.2021, though the charge is yet to be framed.

I have considered the respective submissions of the parties.

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On the basis of the arguments addressed by the parties, it is debatable as to whether the petitioner has abetted the deceased to commit suicide. This Court is of the prima facie view that the petitioner, who is a young lady and has a three years old child to take care of, who is in the custody of her parents, deserves to be enlarged on bail, more so as the trial is yet to start and is likely to take time to conclude.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28.07.2021 **(SUVIR SEHGAL)**
sheetal **JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No

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