

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

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**CRM-M-34917-2018
Decided on : 17.11.2021**

Rohit Gupta

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sushil Kumar Verma, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Abhilaksh Grover, Advocate
for respondent No.3.

MANJARI NEHRU KAUL, J. (Oral)

By way of present petition filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C., petitioner is seeking cancellation of anticipatory bail granted to respondent No.3 i.e. Amit Piplani, in case FIR No. 10, dated 04.06.2018, under Sections 306, 506, 34 of IPC, registered at Police Station GRP Kalka, District Panchkula (annexed as Annexure P-1) granted by learned Addl. Sessions Judge, Panchkula, vide impugned order dated 06.07.2018 (annexed as Annexure P-4).

Learned counsel for the petitioner *inter alia* contends that the trial Court while passing the impugned order dated 06.07.2018 (Annexure P-4), vide which the petitioner was extended the concession of anticipatory bail, failed to appreciate that respondent No.3 had not cooperated with the investigating agency, in compliance of the orders passed by the trial Court. In addition, it was also urged that the trial Court also failed to appreciate that it had come during investigation that prior to the suicide of deceased

(Nisha Gupta) on 20th May, 2018, there were telephonic conversations between respondent No.3 and the deceased, which clinchingly indicated that he had abetted the suicide of the deceased – Nisha Gupta.

Learned counsel appearing for respondent No.3 has vehemently argued that the essential ingredients to attract the mischief of Section 306 of IPC, were clearly amiss in the case in hand. It was submitted that in fact respondent No.3 and the deceased were having an affair, which spilled out in the open and was also objected to, by the co-accused i.e. wife of respondent No.3. He has further submitted that the delay of two weeks in the registration of the FIR further lent credence to a false and fabricated case having been foisted upon respondent No.3 by the complainant, as it could not be believed that had there been any grain of truth, why would have the complainant waited so long to lodge the FIR. Learned counsel has further submitted that the prosecution evidence was underway and two material witnesses out of the 25 cited stood examined. It was also submitted that once there admittedly was no violation of any of the conditions imposed upon accused-respondent No.3 by the trial Court, while passing the impugned order dated 06.07.2018 (Annexure P-4) his bail could not be cancelled merely on a submission made by the learned Public Prosecutor before the trial Court that he had not cooperated during investigation.

I have heard learned counsel for the parties and perusal the material on record.

This Court does not find any illegality, much less, perversity in the impugned order dated 06.07.2018 (Annexure P-4) vide which accused-respondent No.3, was extended the concession of anticipatory bail. The Court below has rightly observed that since respondent No.3 had joined

investigation pursuant to the interim order dated 27th June, 2018, and as the investigating officer had not asked for his further investigation, much less, custodial interrogation for getting any recovery effected from him, it was a fit case for extending the concession of anticipatory bail to him.

The present petition is devoid of merit.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

November 17, 2021

J.Ram

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