

CRM-M-32965-2021;
CRM-M-36436-2021;
CRM-M-39438-2021 and
CRM-M-48916-2021

1

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

207

(I) **CRM-M-32965-2021 (O&M)**

Heena Talwar @ Saloni Sethi ...Petitioner

Versus

State of Punjab ...Respondent

(II) **CRM-M-36436-2021 (O&M)**

Yuvraj Sethi ...Petitioner

Versus

State of Punjab ...Respondent

(III) **CRM-M-39438-2021 (O&M)**

Veena Sethi ...Petitioner

Versus

State of Punjab ...Respondent

(IV) **CRM-M-48916-2021 (O&M)**

Harish Sethi ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 10.12.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. H.P.S. Sandhu, Advocate and
Mr. G.P.S. Ghuman, Advocate,
for the petitioners in CRM-M-32965-2021, CRM-M-36436-2021,
CRM-M-39438-2021 and CRM-M-48916-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Balwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above-mentioned four petitions filed on behalf of Heena Talwar @ Saloni Sethi, Yuvraj Sethi, Veena Sethi and Harish Sethi, wherein the petitioners seek grant of anticipatory bail in a case registered against them vide FIR No.271 dated 20.07.2021 at Police Station City Kharar, District SAS Nagar, Mohali, under Sections 306 IPC.
2. At the time of issuance of notice of motion in CRM-M-32965-2021, this Court passed the following order on 25.08.2021:

“Learned senior counsel has contended that the petitioner is a 35 years old lady, married since 2009 and staying at Delhi with her husband and 11 years old son. He submits that the deceased, who was the brother-inlaw (sister's husband) of the petitioner had a very volatile temperament and had a dispute with his family as is apparent from the FIR bearing No.32 dated 31.03.2017 (Annexure P-6) lodged by his mother, wherein, he was accused of attacking and stabbing her, his sister as well as a house-maid. Counsel has drawn the attention of the Court to dis-inheritance notice (Annexure P-8) issued by his parents which was published in the newspapers in the first week of April, 2017.

Counsel contends that though there was a financial dispute between deceased and his wife and in-laws family which was settled by virtue of compromise dated 27.05.2021 (Annexure P-10) yet a categoric assertion has been made that the petitioner did not have any financial dealings with him. He urges that except for the video recording in the pen drive, left behind by the deceased, which is per se inadmissible in evidence, there is

no material with the prosecution to come to the conclusion that the petitioner abetted his suicide. Reference has been made to the judgment of the Hon'ble Supreme Court in Special Leave to Appeal (Criminal) No.7284 of 2017 titled as Shabbir Hussain Vs. The State of Madhya Pradesh and others, decided on 26.07.2021 to contend that basic ingredients of Sections 107 and 306 of Indian Penal Code, 1860 are not satisfied as the petitioner is not alleged to have played any active role in instigating him to commit suicide. Counsel for the petitioner submits that the petitioner is ready to join the investigation and cooperate with the investigating agency.

Notice of motion.

On asking of the Court, Mr. Amar Ashok Pathak, Additional Advocate General, Punjab accepts notice on behalf of respondent-State, who is assisted by Mr. Aman Kashyap, Advocate and Mr. Arora Vishwas Kumar, Advocate.

List on 10.12.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Similarly, at the time of issuance of notice of motion in CRM-M-48916-2021, the following order was passed on 23.11.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.271, dated 20.7.2021, Police Station City Kharar, District SAS Nagar, under Section 306 IPC.

The matter pertains to death of Abhishek, son-in-law of the petitioner whose dead body was found lying in his house with a note outside the door of the room written with a pen to the effect that “please enter with caution nitrogen & Helium cylinders inside”. A pen-drive was also found hanging with the note that the contents of the same be watched before entering

the room. Police had received secret information as regards alleged suicide of Abhishek and upon entering the room it was found that the dead body of Abhishek was lying there with his face covered with a plastic gas mask.

It is the case of prosecution that in the pen-drive the deceased had made a video recording raising allegations against his wife, mother-in-law, father-in-law, sister-in-law and brother-in-law.

Learned counsel for the petitioner has submitted that it is a case where the deceased was having some kind of mental disorder and had an erratic behaviour as would be evident from the fact that on one occasion he had stabbed the maid servant and also his own mother regarding which FIR No.32 dated 31.3.2017 was lodged at the instance of mother of deceased.

Learned counsel has further submitted that on account of such like conduct of the deceased, his parents had even disowned him and had got a notice published in the newspaper to this effect which is annexed as Annexure P-6.

Learned counsel has further submitted that the relationship of the petitioner with the deceased was more or less cordial and that infact the petitioner had even transferred the share of his daughter in the property in the name of the deceased, as is evident from the sale-deed (Annexure P-11).

It has further been submitted that several other co-accused have already been granted interim anticipatory bail by this Court vide orders dated 25.8.2021 (Annexure P-14), 22.9.2021 (Annexure P-15) and 3.9.2021 (Annexure P-16).

Notice of motion for 10.12.2021.

xxx xxx xxx”

4. Even in the other two connected cases i.e. CRM-M-36436-2021 and CRM-M-39438-2021, this Court while issuing notice of motion had granted interim bail to the petitioners.
5. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioners have since

- joined investigation and are not required for any custodial interrogation and that they are not involved in any other case.
6. Having regard to the nature of allegations and while bearing in mind that pursuant to interim directions, the petitioners have since joined investigation and are not required for any custodial interrogation, all the petitions are accepted and the interim directions issued by this Court vide orders dated 25.08.2021 in CRM-M-32965-2021, 03.09.2021 in CRM-M-36436-2021, 22.09.2021 in CRM-M-39438-2021 and 23.11.2021 in CRM-M-48916-2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. A photocopy of this order be placed on the files of other connected cases.

10.12.2021

VY/Vimal

(GURVINDER SINGH GILL)

JUDGE

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