

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

203-1

**CRM-M-29371-2020 (O & M)
Date of Decision:29.09.2021**

DEEPAK KUMAR AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Balbir Kumar Saini, Advocate
for the complainant.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No.125 dated 25.08.2020, registered under Sections 306 and 34 of IPC, 1860, at Police Station Daresi, District Ludhiana, Punjab.

While granting interim protection to the petitioners, this Court passed the following order on 24.09.2020:-

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

*FIR in question was lodged against Deepika
Sethi, the wife of the deceased, as well as her
brothers, (petitioners No.1 and 3) and sister-in-*

law (petitioner No.2) on the ground that they had abetted the suicide of Manish Sethi. Counsel for the petitioner has argued that Deepika was married to the deceased in the year 2006 and two children were born out of the wedlock. However, the relations between the couple were strained from the very beginning. The deceased used to harass her and demand dowry. At one stage, he had forcibly taken the custody of the minor child from Deepika. Counsel for the petitioner has made a specific reference to para 9 of the petition under the Protection of Women from Domestic Violence Act, 2005, dated 09.11.2017, Annexure P-5, filed by Deepika and also to the pleadings of the petition under the Guardians and Wards Act, 1890, Annexure P-6. Counsel contends that the deceased was not only an alcoholic but also a person with loose morals. The argument of the counsel is that a compromise was arrived at between the husband and wife on 11.03.2018, Annexure P-7, wherein the deceased specifically promised not to consume liquor and not to ill treat his wife. Counsel pointed out that this compromise was witnessed by the sister and brother-in-law of the deceased as well as his wife. Thereafter, both the petitions, Annexures P-5 and P-6, were withdrawn. Counsel has made a reference to the whatsapp chat of Deepika with her sister-in-law and to the transcript of the telephonic conversation between the deceased and two female relatives to highlight the character of the deceased. Counsel has also drawn the attention of the Court to the prescription by a Consultant Psychiatrist dated 25.02.2020, Annexure P-10, to urge that the deceased was under treatment for mental disorder.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG, Punjab, assisted by Mr. Balbir Kumar Saini, Advocate for the complainant, who are present through video conferencing, accept notice. State counsel, upon instructions from SI Chama Singh, submits that the audio clipping recorded by the deceased before committing suicide is being sent to the Forensic lab for its analysis.

Counsel for the complainant submits that the audio clipping was recorded a few hours before the deceased committed suicide and was sent by him to his daughter who brought it to the notice of the complainant and the deceased has specifically named the petitioners as well as his wife. Counsel for the complainant further submits that there is messenger chat between the wife of the deceased and one Ashok Kumar and Yug Ladania, to argue that she was having an extra marital affair which was the cause for the matrimonial discord between the parties.

Adjourned to 13.10.2020.

Let status report be filed before the next date of hearing.

Meanwhile, the petitioners shall join the investigation and would come present on 06.10.2020 at 10:00 a.m. in the concerned police station. In the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Status report by way of an affidavit of Assistant Commissioner of Police (North), Ludhiana, has been filed on behalf of the State.

Learned State counsel, who is assisted by counsel for the complainant has, however opposed the petition. State counsel, on instructions from ASI Harbhajan Singh, states that the petitioners have joined the investigation, they are no longer required for custodial interrogation and final report, after completion of investigation, has been presented before the trial court.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 24.09.2020 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

29.09.2021
sheetal

(SUVIR SEHGAL)
JUDGE

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