

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-43038 of 2021
Date of decision:02.11.2021

Richa Sethi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Akshay Bhan, Senior Advocate with
Mr. H.P.S.Sandhu, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in case FIR No.271 dated 20.07.2021 registered for offence under Section 306 of Indian Penal Code, 1860 (for short "IPC") at Police Station City Kharar, District S.A.S.Nagar (Annexure P-1).

Criminal law was set in motion, when FIR (Annexure P-1) was registered on the basis of information that one Abhishek Sethi has committed suicide in a rented premises. On the basis of a video clip left behind in a pen drive, the petitioner, who is the wife of the deceased and her family members were named as an accused and the petitioner was arrested

on 21.07.2021.

Learned senior counsel submits that the petitioner is a 33 years old homemaker with a 2 ½ years old son from the wedlock, who is staying with his maternal grandmother, who has been granted interim bail by this Court in FIR (Annexure P-1) vide order dated 22.09.2021 (Annexure P-15). By making a reference to the transcript of the video recording allegedly done by the deceased a few hours before committing suicide, learned senior counsel submits that the deceased accused the petitioner of mentally and emotionally torturing him and supporting her family, despite the fact that they cheated him and refused to return his money, which he had invested in their business. It is his argument that the electronic recording cannot be relied upon without complying with the provisions of Section 65-B of Indian Evidence Act, 1872. He submits that there was some financial dispute between the deceased and his in-laws, which had been settled and the petitioner transferred 50% share in land measuring 8 biswas, in favour of the deceased in terms of the compromise deed dated 27.05.2021 (Annexure P-10). He has relied upon a judgment passed by Co-ordinate Bench of this Court in **CRM-M-2068 of 2012 titled as A.R.Madhav Rao and others Vs. State of Haryana and another, decided on 22.05.2018 (Annexure P-17)** to contend that merely because a person has been named in the suicide note, does not lead to the conclusion that he is an offender under Section 306 IPC. Reliance has also been placed upon a judgment of 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 (Annexure P-18) to urge that when ingredients of abetment under Section 107, IPC are not satisfied, offence under Section 306, IPC is not made out. He submits that the deceased had a volatile temperament as is apparent from the fact that in FIR No.32 dated 31.03.2017 (Annexure P-4), his mother alleged that he had stabbed the house maid and when she intervened, he stabbed her as well as his sister. Reference has also been made to the disinheritance notice (Annexure P-6) published by the parents of the deceased in a newspaper in April, 2017. He asserts that the petitioner, who has clean antecedents is no longer required for custodial interrogation as investigation is complete and, therefore, she deserves to be enlarged on bail.

Per contra, State counsel upon instructions from ASI Balwinder Singh, has opposed the petition and submitted that pen drive recovered from the room where the deceased committed suicide, has been sent to the Forensic Science Laboratory and the report is awaited. He submits that there was a serious financial dispute between the deceased and his in-laws and even the complaints under Section 138 of Negotiable Instruments Act, were pending between them. Upon further instructions, he submits that challan has been presented qua the petitioner on 20.09.2021, though charge has not been framed.

Having heard counsel for the parties, this Court is of the view that involvement of the petitioner in the alleged offence, would remain questionable and the petitioner, who is a young lady and has a toddler to

take care of, would be entitled to be released on bail, as the trial is yet to start.

Without examining the merits or demerits of the arguments addressed by the counsel for the parties, 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 to be a reflection of opinion on the merits of the case.

November 02, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>