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

CRM-M-13324-2022

Date of Decision: September 30, 2022

Shrey Gupta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.R.S.Rai, Sr. Advocate with
Mr.Sandeep Wadhawan and Mr.Nikhil Chopra, Advocates
for the petitioner.

Mr.Karunesh Kaushal, AAG, Punjab.

Mr.GBS Dhillon, Advocate
for the complainant.

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RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.0002, dated 01.01.2022, registered under Section 306 IPC (added as per challan), Sections 304-B, 120-B IPC (both Sections deleted), at Police Station Division No.8, Police Commissionerate Ludhiana, District Ludhiana.

Adumbrated facts of the case are that the present FIR was lodged by Vinod Gupta, father of the deceased. Sum and substance of the allegations are that the marriage of his daughter, i.e. deceased, took place with the petitioner on 19.11.2015. Thereafter, the couple was blessed with a son in the year 2019. However, as per FIR, the allegations are pertaining to harassment and cruelty to the deceased caused by the husband and in-laws and on account of same, she committed suicide by hanging on 01.01.2022.

FIR was lodged for taking action against the culprits. Investigation

commenced and the petitioner, who is the husband of the deceased, was arrested on 02.01.2022. He approached the learned Additional Sessions Judge, Ludhiana, praying for grant of bail, who after hearing the parties, declined the same vide its order dated 24.03.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned senior counsel has vehemently contended that the petitioner has been implicated in this case only being the husband of the deceased. He has submitted that the allegations pertaining to harassment and cruelty are totally an after thought and there is not an iota of truth in the same. He has submitted that during investigation, a suicide note was recovered by the Investigating Agency and the same was sent to the FSL and handwriting of the deceased was matched with the handwriting of the suicide note. He has drawn attention of this Court to the contents of suicide note from which it can be deciphered that the deceased was under depression because of some loss she suffered in the share market. He submits that reading of the contents of the suicide note would show that the allegations in the FIR made by the complainant has no relevance to the cause of committing suicide by the deceased. He submits that as per suicide note, the deceased had levelled no allegations and neither she shown any malice against the petitioner. He submits that in view of the same, offence under Section 306 IPC read with Section 107 IPC is not made out. He has submitted that though the FIR was lodged under Section 304-B IPC, however, after investigation, the report under Section 173 Cr.P.C. was submitted only under Section 306 IPC and at the time of framing of charge

has submitted that thereafter he assailed the same before this Court by way of filing CRR-1903-2022 wherein this Court had stayed the further proceedings vide its order dated 14.09.2022. He submits that the petitioner has no criminal antecedents and the investigation already stands completed and thus, in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

On the other hand, counsel for the complainant has vehemently opposed the submissions made by senior counsel for the petitioner. He submits that the petitioner is the husband of the deceased and he is a prime accused in this case. He submits that the petitioner has manipulated the evidence. He has submitted that the suicide note, which has been relied upon by the accused, has been recovered at his behest only. He further submits that not only death of the deceased has taken place in the matrimonial home, there are specific allegations regarding harassment and cruelty caused to the deceased on account of dowry and she was compelled to commit suicide within seven years of the marriage. He submits that Investigating Agencies have also proceeded with a tainted investigation by intentionally not advertent to the complete record of the case and thus, challan, has been presented only for the offence under Section 306 IPC. He further submits that though as per FSL report, handwriting of the deceased was matched with the handwriting of the suicide note, however, the same is not a conclusive evidence. He has relied upon judicial precedents of Hon'ble Apex Court in **Padum Kumar vs State of Uttar Pradesh** Law Finder Doc Id # 1665455 and **Rajeshbhai Muljibhai Patel and others etc. vs State of Gujarat and another etc.** Law Finder Doc Id # 1682021. He submits that in the facts and circumstances, the petitioner does not deserve the concession

of bail.

Learned State counsel has submitted that there are specific allegations regarding harassment caused to the deceased on account of demand of dowry. He has submitted that the unnatural death of the deceased has taken place in the matrimonial home within seven years of the marriage. He has however admitted that during investigation, the suicide note was sent to the FSL and the handwriting of the same was matched with the handwriting of the deceased. He further submits that as per instructions received from ASI Harjit Singh, the petitioner has no criminal antecedents as he is not involved in any other criminal case except the present one. He further submits that investigation in this case has been completed and the challan was presented for the offence under Section 306 IPC. He has submitted that now the trial Court has also framed the charges, however, further proceedings have been stayed by this Court vide order dated 14.09.2022 passed in CRR-1903-2022 filed by the petitioner.

Heard.

Admittedly, the petitioner before this Court is the husband of the deceased. The marriage has taken place on 19.11.2015 whereas the unnatural death of the deceased had taken place on 01.01.2022. Though the deceased died within seven years of the marriage, however, the challan has been filed for the offence under Section 306 IPC. Further, the suicide note, as submitted before this Court, was sent to the FSL and handwriting of the deceased was also found to have been matched with that of the deceased. There is nothing on record to infer that the petitioner has any criminal antecedent. The evidentiary value of the suicide note including allegations and counter allegations would be assessed by the trial Court only after

appreciation of the evidence to be led by both the sides. However, this Court would refrain itself from commenting anything on the merits of the case and would confine only to the prayer made in the petition for bail.

In the overall facts and circumstances, the Court is of the opinion that the learned senior counsel succeeds in making out a case for grant of bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said hereinabove shall be treated as an expression of opinion on the merits of the case.

September 30, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |