

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34034-2020 (O&M)
Date of Decision:-7.2.2022

Shilpi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ajaivir Singh, Advocate for the petitioner.

Mr. Anmol S. Sandhu, Assistant Advocate General, Punjab,
assisted by ASI Dharampal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.149 dated 29.8.2020 at Police Station Dhakoli, District SAS Nagar, Mohali under Section 306 of Indian Penal Code.
2. The FIR was lodged at the instance of Mehar Chand (father of deceased Mahesh Singh), wherein he has stated that his son Mahesh Singh's marriage was solemnized on 1.11.2019 with Shilpi (petitioner). However, shortly after marriage Shilpi started harassing them as well as their son Mahesh and stated

that she would not stay with them. Accordingly, his son took a house on rent at Shalimar Enclave, Dhakauli in the month of July and petitioner's son as well as Shilpi started residing there. It is alleged that a few days back complainant's son telephonically informed complainant's wife that Shilpi had been troubling him and keeps quarreling with him and does not even talk to him properly and is affecting him mentally and that he is upset and may do something. The complainant alleged that on 29.8.2020 at about 10:30 a.m. he received a telephonic call from Arun (brother of Shilpi), who stated that Mahesh has taken some drastic step. The complainant rushed to GMCH, Sector-32, Chandigarh, where upon arrival he came to know that his son had been brought to the hospital dead. The complainant thus alleged that the petitioner had abetted the commission of suicide by his son.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case simply on account of the fact that the complainant's son i.e. the deceased and the petitioner had started residing separately from the complainant and his wife, shortly after their marriage. Learned counsel has submitted that infact the whatsapp conversation dated 26.7.2020 (Annexure P-1), which is in respect of the period when the deceased and the petitioner had moved out of the complainant's house shows that the deceased was upset on account of the conduct of his parents. It has further been submitted that a perusal of the said conversation would not show that there was any kind of serious matrimonial discord amongst the parties and that the petitioner appears to be rather concerned about the deceased.
4. Learned counsel for the petitioner has further submitted that as on the date of the alleged suicide i.e. on the night intervening 28/29.7.2020, the petitioner

was not even in the city i.e. in Mohali and was away to her work place i.e. Baddi, Himachal Pradesh, where she had to stay overnight on account of certain protocol, which was in place due to spread of pandemic COVID-19. Learned counsel, in this regard, has referred to certificate (Annexure P-3) issued by M/s Sedexo India Services Private Limited, the relevant extract of which reads as follows:

“Shilpi (EMP code 100266) is working with M/s Sodexo India Services Pvt. Ltd. and deputed to work at Cipla Baddi Site. She is supporting the Talent Acquisition team and also responsible for administrative activities as needed by Cipla. As an employer we are processing her wages, and she is working under direct supervision of Cipla team.

Basis on the entry register email shared by Cipla, the records show that she stayed at the Cipla guest house on 28.08.2020. her check in time in at the guest house shows 11:00 PM and checkout on 29.08.2020 at 9:00 AM as per guest house log shared with us.

Based on the guidance from Cipla she was advised to stay back at the guest house for following reasons:

- 1) The first positive case of Covid was detected at the factory and she was involved in contact tracing.
- 2) She was also involved in other administrative formalities required to be done w.r.t. Covid protocols which took a considerable amount of time.
- 3) Cipla had also organised a small farewell for one of their colleague in the HR team.

This letter is being issued to Shilpi without any obligation and commitment on our part for solely verification purpose only, and is based on data and record shared by Cipla.”

5. Learned counsel for the petitioner has further submitted that the petitioner upon being constrained to stay overnight at Baddi, Himachal Pradesh on the evening of 28.8.2020 duly informed her husband through whatsapp, which would also show that the relations amongst them were cordial. Learned counsel, in this regard, has referred to the whatsapp conversation between the deceased and the petitioner, which had taken place on the evening/night of 28.8.2020, which has been duly reproduced in paragraph No.6 of the petition.
6. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and the fact that the petitioner and her husband had moved out of the matrimonial home of the petitioner, it is evident that all was not well as far as the matrimonial relations were concerned. It has been submitted that the same duly proves that the petitioner was a strong headed lady and on account of which the deceased felt upset and depressed leading to taking the drastic step of committing suicide. It has thus been submitted that no case for grant of anticipatory bail is made out. Learned State counsel has, however, submitted that the petitioner does not have any criminal antecedents.
7. I have considered rival submissions addressed before this Court.
8. Though there are allegations to the effect that the deceased had committed suicide on account of the conduct of the petitioner, but somehow the whatsapp conversation does not establish the said assertions. Though ofcourse the admissibility of whatsapp conversation would be debatable but this Court finds that in addition to the said conversation, there is a certificate issued by the employer company of the petitioner, which indicates that as on

the day of occurrence, she was constrained to stay overnight at her workplace in Baddi, Himachal Pradesh whereas the occurrence had taken place in Mohali. The aforesaid factual position coupled with the fact that the petitioner is a lady does make out a case for grant of anticipatory bail. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

7.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No