

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

CRM-M-41745-2021 (O&M)
Date of Decision:-13.1.2022

Mahesh Kanta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanchit Punia, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Surender.

(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.169 dated 16.5.2021 at Police Station Hisar Civil Lines, District Hisar under Sections 346, 306 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion on 5.10.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.169 dated 16.5.2021 at Police Station Hisar Civil Lines, District Hisar under Sections 346, 306 and 34 of Indian Penal Code.

The FIR in question was lodged at the instance of one Sakshi, wherein she has stated that Ashok Sahni (deceased) had been

residing in house No.468, HBC Sector 16/17, Hisar and was residing singly. It is stated that since Ashok Sahni has strained relations with his wife and children, the complainant had been providing tiffin service to aforesaid Ashok Sahni and knew him generally since the last 7-8 years. On 16.5.2021, when she went to his house, the same was found locked. Ashok Sahni had disclosed to her a day earlier on her phone that he would be leaving the house. The complainant thus alleged that Ashok Sahni as well as his car were missing. It is the case of prosecution that during the course of investigation, the Santro Car was taken into possession and dead body of Ashok Sahni was fished out of Sidh Mukh Canal, Tohana. During the search of car, a mobile phone, a wallet and a diary alongwith pen were recovered in which a 6 page suicide note had been written. As per the said suicide note, Ashok Sahni had been constrained to commit suicide on account of his wife Amita, his mother-in-law Mahesh Kanta (petitioner), sisters-in-law Sharda and Mamta and his brother-in-law Sandeep.

Learned counsel for the petitioner has submitted that the petitioner is a 77 years old lady residing in Sirsa, much away from the residence of deceased in Hisar and that it cannot be said, in any manner, that she had abetted the commission of suicide by the deceased. Learned counsel for the petitioner has further referred to various undertakings and compromises amongst the parties effected at different points of time in police station, wherein some kind of understanding had been reached amongst the parties and the deceased had even given undertaking not to beat the children.

Learned counsel for the petitioner submits that none of the said undertakings/compromises bear the signatures of petitioner or referred to any kind of conduct on the part of petitioner from which it would be inferred that the petitioner had ever caused any harassment to the deceased. It has been stated that infact the name of petitioner is conspicuously missing in the said undertakings/compromises (Annexures P-3 to P-6).

Notice of motion for **12.1.2022**.

At this stage, Mr. Ankit Grewal, Advocate has today put in appearance on behalf of sister of the deceased.

Meanwhile, in the event of arrest, the petitioner be released on interim 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.”

3. Learned State counsel, upon instructions, has submitted that the petitioner, pursuant to interim directions, has already joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not wanted in any other case.
4. Having regard to the nature of allegations and also the fact that the petitioner is an old lady, who is aged about 77 years and has also joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 5.10.2021 are hereby made absolute, subject to the condition that the petitioner 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.

13.1.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No