

2024:PHHC-075871



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-61242-2023 (O&M)
Date of Decision: 28.05.2024

SANJEEV KUMAR ALIAS SANJUPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
41	09.03.2023	P.S.-Passiana, Patiala, Punjab	306, 384, 120-B of IPC

2. Brief facts relevant for the disposal of this case are that the
aforementioned FIR was got registered on 09.03.2020 on the basis of statement
given by the complainant - Manoj Kumar before the Police alleging therein that
the victim - Disha Bansal who was his 21 years old daughter had gone to attend
some religious function in the house of his sister on 05.03.2023 and left her house
on the pretext of buying some eatable and thereafter, she was not traceable. He
recorded that her mobile phone, shoes and kulcha snacks were found lying at the
bridge near Sangrur Patiala Road leading to Samana side on the footpath of the
canal on the same day but she could not be traced. As he himself was away to
China and came back only on 07.03.2023, therefore, he had started making search
for his daughter and was informed by his younger daughter that on 05.03.2023 at

2024:PHHC-075871



the present petitioner was harassing and blackmailing her. He alleged that previously his daughter Disha Bansal was studying in S.D. College. Even at that time, the present petitioner had trapped her and had got some objectionable photograph of his daughter clicked and had been blackmailing her. In this regard, he along with his son and uncle had made complaint to the co-accused - Naresh Kumar uncle of the present petitioner and the petitioner and his uncle had apologized and assured them not to harass his daughter any further and to delete the photograph but they did not mend their ways. He also disclosed that the co-accused - Monu alias Tarun was involved with them.

3 After registration of FIR, investigation proceedings were initiated. The dead body of the victim was recovered from Bhakhra Canal on 09.03.2023. Inquest proceedings and postmortem examination of the same was conducted. The petitioner was arrested on 17.03.2023. The co-accused was also arrested. Investigation has since been completed and the petitioner and co-accused are facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 07.11.2023.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over one year two months. Trial is likely to take time. No suicide note was recovered in this case. The co-accused Monu and Naresh Kumar whose cases on the similar footing have since been extended benefit of bail. The trial is likely to take time. The allegation levelled against the petitioner do not make out any case for commission of the offences for which he had been booked and charge-sheeted. No recovery of any objectionable video and photo has been effected from his mobile phone. There is no call detail record to prove that he had been making calls to the victim or had

2024:PHHC-075871



been blackmailing her. No useful purpose would be served by his further detention, therefore, petition should be allowed and he deserves to be given concession of regular bail.

5. Respondent State has filed status report alleging therein that there are specific and serious allegation levelled against the petitioner. The case of the co-accused cannot be stated at parity with the case of the present petitioner. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. With these broad submissions, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner and State counsel at considerable length and have gone through the record.

7. Learned State counsel has also placed on record a copy of complaint made by the victim on 05.03.2023 at 09.00 AM to police help line informing that the present petitioner was harassing her and was making her photos and messages viral on snapchat from id@rahulgarg077 from last few months and was forcing to marry with her and had also been using abusive language with her. Immediately, thereafter, the victim had gone missing and thereafter her dead body was found. The statements of the material witnesses are yet to be recorded. It is well settled proposition of law that the abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. It also requires an active or direct act, which led the deceased to commit suicide seeing no option and that act must have been intended to put the deceased into such a position and that he/she committed suicide. In the instant case there are specific allegations against the petitioner which show that the victim had been continuously harassed and blackmailed by the petitioner and just before she had gone missing, she had made a call to the police help line levelling allegations of harassment by the petitioner.

2024:PHHC-075871



The question that the harassment by the petitioner was the apparent reason for taking drastic step of ending life by a young girl has to be decided by the learned trial Court on the basis of evidence to be led before it. However, the apprehensions that petitioner may intimidate the witnesses cannot be stated to be unfounded at this stage. More so, his involvement in abetting suicide can also not be ruled out. The case of the petitioner cannot be stated to be at parity with the case of co-accused. Keeping in view the nature of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merit of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

8. Pending applications, if any, also stand disposed of.

28.05.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |