

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

CRM-M-10465 of 2014
Date of Decision: 01.04.2015

Ram Niwas

....Petitioner

Versus

State of Haryana

. ...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. R.K. Mathur , Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

Mr. Vikas Chaudhary, Advocate
Mr. Anil Malik, Advocate
for the complainant.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No. 22 dated 15.01.2014, under Sections 346, 341, 342, 365 and 506 of the Indian Penal Code registered at Police Station, Safidon, District Jind.

2. Complainant-Naresh gave a written complaint to the police stating that his father is a Chowkidar in primary School, Village Paju Kalan. He was married to Rina @ Meena 16 years ago and a daughter namely Kajal was born out of their wedlock. Ramniwas (petitioner) was a teacher in that school. About 3 ½/ 4 years ago, Ramniwas had enticed and taken away his wife and daughter with him. Whenever he

approached Ramniwas to meet his wife and daughter, he threatened him of dire consequences his daughter was left in a hostel by Ramniwas. He deposited hostel dues pending for the last three years and brought his daughter with him but the whereabouts of his wife were not known. Ramniwas was dismissed by the School authorities.

The complainant expressed suspicion that his wife had been murdered by Ramniwas.

Initially, a case under Section 346 and 506 of the Indian Penal Code was registered. After statement of Kajal was got recorded under Section 164 Cr.P.C, Sections 365, 341 and 342 of the Indian Penal Code were added to the case. The whereabouts of Rina @ Meena, wife of the complainant could not be traced.

3. Heard the submissions made by Mr. R.K. Mathur, Advocate representing the petitioner and Ms. Trishanjali Sharma, AAG, Haryana representing the State.

4. Learned counsel for the petitioner argued that a false case had been got registered by the complainant with a motive to pressurize the petitioner to compromise in a case of murder. As per the allegations in the first information report, the incident of abduction was 3 ½ / 4 years old. The father of the complainant was employed as a Chowkidar in the same school in which the petitioner was a teacher but neither the father nor the complainant gave any complaint to the school authorities or higher authorities alleging abduction of his wife by the petitioner.

The parents of Rina @ Meena had made no such complaint to the

police. The statement of Kajal, daughter of the complainant, got registered under Section 164 Cr.P.C. was tutored by the complainant and was an outcome of a deep rooted conspiracy.

Submitting that the petitioner has joined investigations number of times and nothing remains to be recovered from him, learned counsel urged that the petitioner be given the benefit of anticipatory bail.

5. The prayer was opposed by Ms. Trishanjali Sharma, AAG, Haryana appearing on behalf of respondent State and Mr. Anil Malik, Advocate, representing the complainant. They submitted that whereabouts of Rina @ Meena w/o the complainant are not known till date. Kajal, daughter of Rina @ Meena had stated in her statement given under Section 164 Cr.P.C that her mother had been allured of a job and taken by the petitioner. In addition to her statement two ladies namely Indor wife of Baljit Singh and Prem Lata wife of Shri Jyuna District Jind had given their affidavits that they had seen an unknown lady with the petitioner. They were also witnesses to quarrel between the two and according to them the lady was seen in the house of Ramniwas only for few days after the quarrel.

6. The petitioner may have allured and taken the wife of complainant 3½ / 4 years ago, as alleged, but the fact is that the lady at present is not traceable. Her daughter Kajal, who had accompanied her mother has made statement under Section 164 Cr.P.C. that her mother was detained by the petitioner before she was left in hostel from where

she had been brought by her father..

It is also the submission of learned AAG that the petitioner had not been co-operating during investigation.

Apparently, there are grave and serious allegations against the petitioner. Recovery of wife of the complainant, who was kidnapped, is yet to be made. In view of said facts and circumstances, least any expression above may prejudice the case of either side, in my considered opinion, custodial interrogation of the petitioner is necessary and no case for release for anticipatory bail is made out.

Accordingly, the petition is dismissed.

April 01, 2015
rashmi

(SNEH PRASHAR)
JUDGE