

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

**CRM-M-17969 of 2015**

**Date of decision:- September 14, 2015**

**Swati and another**

**...Petitioners...**

**versus**

**State of Haryana**

**...Respondent...**

**CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH**

Present:- Mr. Madhu Mukul Tripathi, Advocate,  
Mr. Navank Shekhar Mishra, Advocate and  
Mr. Rahul Bhargav, Advocate,  
for the petitioners.

Mr. Anil Mehta, DAG, Haryana.

Mr. Vikram Singh, Advocate,  
for the complainant.

\*\*\*\*\*

**Jaspal Singh, J.**

This is a second petition moved under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail, in case FIR No. 41, dated 26.01.2015, under Sections 306 and 34 IPC, Police Station Civil Lines, Karnal, District Karnal.

Undisputably, previous petition moved by petitioners was dismissed vide order dated March 10, 2015. The change circumstances as pointed out by learned counsel for petitioners for filing instant petition are that (i) Rishipal, driver of deceased, who is also named as one of witnesses in the FIR, handed over suicide note written by deceased to a relative of petitioners, which was further

handed over by him to petitioners and (ii) that deceased was having extra-marital relation with one Ms. Prachi, his immediate neighbour which led to strained matrimonial relation between petitioner No. 1 and her deceased-husband.

During the course of arguments, learned counsel for petitioners could not specifically tell the date, on which, alleged suicide note was handed over by Rishipal and to whom. Suicide note is alleged to have been handed over by Rishipal after the dismissal of earlier petition, on merits. There is nothing on record to suggest as to why alleged suicide note was not produced earlier if Rishipal was in possession of any such suicide note. Story propounded by petitioners about suicide note is doubtful and suspicious.

Here, it would be pertinent to mention that marriage of deceased was solemnized with petitioner No. 1 on January 18, 2014 and she stayed in her matrimonial home for one day. She slipped away from her matrimonial home and got registered a case against her husband-deceased as well as his other family members. She levelled allegations not only against her husband but against his friend also that they committed rape upon her after administering intoxicant. Those allegations were found to be false during investigation. There was also no medical evidence to establish the commission of rape or administering any intoxicating substance. Even, she levelled allegations against the father of deceased. In fact, from the facts and circumstances of the case, it appears that deceased was not having any extra-marital relation. Rather, petitioner No.1 was having love affair with some boy and due to the

said reason, she did not intend to live in the company of deceased and left matrimonial home immediately after marriage.

Since, there is no material change in the petition after the dismissal of previous petition, instant petition stands dismissed.

September 14, 2015  
sonika

**(JASPAL SINGH)**  
**JUDGE**