

CRM-M-28905 of 2016

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 110

CRM No.M-28905 of 2016

Date of decision: August 22, 2016

Roohi @ Ruhi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J.

This is a petition preferred under Section 438 Cr.P.C., petitioner-Roohi @ Ruhi has sought pre-arrest bail in the event of her arrest in case bearing FIR No.145, dated July 11, 2016, under Section 306 IPC, registered at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. In fact, petitioner herself is a victim of harassment on the ground of dowry and in this regard she has

CRM-M-28905 of 2016

[2]

moved an application/complaint (Annexure R-2) to Senior Superintendent of Police, Jalandhar. Further, she has no role in abetting the suicide of her husband-Kamaljeet Singh. In fact, petitioner was not present in her matrimonial home on July 10, 2016, on which date her husband is alleged to have committed suicide by consuming some poisonous substance. Rather, her husband-Kamaljeet Singh being mentally unstable, was under prolonged treatment for the Schizoaffective Disorder at Central Mental Health Clinic, San Jose, California, USA since 2007. Thus, it cannot be said that petitioner had instigated, aided or abetted the suicide of her husband in any manner. Further, there is no suicide note left by the deceased. Besides, co-accused of petitioner namely Rakesh Kumar and Vandana (parents of petitioner) have already been granted the concession of anticipatory bail by the Sessions Court. Moreover, complainant and his brother Tirath are themselves facing a criminal case bearing FIR No. 137, dated July 20, 2016, under Sections 452 & 304 IPC.

Learned counsel further contends that petitioner is ready and willing to join the investigation and cooperate with the same as & when called upon her to do so. The petitioner shall abide by all the terms and conditions imposed upon her in case she is granted the concession of interim bail.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and perused the record available on file.

Instant case was registered at the instance of Narinder Kumar (brother of deceased). He alleged that his elder brother Kamaljeet Singh

CRM-M-28905 of 2016

[3]

was married to petitioner in the year 2007 and his sister-in-law i.e. petitioner used to quarrel with her husband. His brother used to come from America to India frequently. She had given birth to a son and was not allowing her husband & his family member to see the child on the ground that she should be taken to America. Further she had taken away the passport of her husband saying that he will not be allowed to return to America. On July 07, 2016, she had come to her matrimonial home in Phillaur, quarrelled with his brother and damaged many articles of the house. Thereafter, she gone back to her parental house on July 08, 2016. On July 10, 2016 at 3.00 am in the morning his brother Kamaljeet Singh consumed some poisonous substance being fed up with his wife Roohi @ Ruhi (petitioner). He was taken to DMC Hospital, Ludhiana, where he died at about 5.30 am.

Though, petitioner has taken the plea of alibi but from the bare perusal of FIR, it is evident that she has been specifically named therein and prima facie instigated/abetted the suicide of her husband Kamaljeet Singh. Though, her parents had already been granted the concession of anticipatory bail by the Court of Sessions, but her case is not identical. The relief under Section 438 Cr.P.C. is an extra-ordinary relief which is granted in favour of accused persons only when a special case is made out in his/her favour. At this stage, petitioner has been named in the FIR. There are specifically and categorically allegations regarding her involvement in the commission of offence, as such, the allegations against the petitioner are grave and serious in nature. Her custodial interrogation would certainly un-earth all the ramifications involved in this case.

CRM-M-28905 of 2016

[4]

Keeping in view the grievous nature of offence, but without commenting anything on the merits of the main case, this court is of the considered view that no case is made out in favour of the petitioner for grant of interim bal.

Consequently, instant petition is dismissed.

August 22, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No