

CRM-M-33154 of 2016

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 202

CRM No.M-33154 of 2016
Date of decision: October 04, 2016

Sunita

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohit Garg, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J.

This is a petition preferred under Section 438 Cr.P.C., petitioner-Sunita has sought the pre-arrest bail, feeling apprehension of her arrest, in case, bearing FIR No.145, dated May 31, 2016, under Section 306 & 34 IPC, registered at Police Station Kunjpura, District Karnal.

2. The instant FIR was registered on the basis of statement of Zila Ram son of Inder Singh to the effect that his son Krishan @ Sonu, who was married with Sarla (co-accused) committed suicide by hanging himself in the room. The complainant alleged that Sarla, her sister Sunita and brother Krishan had lodged a case against his son at Rohini, Delhi in Women Cell

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because of which his son remained under-stress.

3. Learned counsel for the petitioner has submitted that instant FIR is a counter blast to FIR No.467/2016 got registered by Sarla wife of Krishan @ Sonu (deceased) under Sections 498-A, 406 & 34 IPC in Police Station Narela against her in-laws and husband. Learned counsel for the petitioner further submitted that in fact petitioner is the victim. Her sister Sarla was being harassed at her in-laws house, who tried to burn her by pouring kerosene oil. She remained hospitalized for a long period. Moreover, the petitioner is a married lady and is residing separately in her matrimonial home along with her husband and children. The petitioner or her family members have no concern with the suicide committed by the husband of her sister, who committed suicide due to his own wrong doing and feeling guilty. The ingredients of offence under Section 107 IPC are not fulfilled and therefore, no offence under Section 306 IPC is made out. Learned counsel for the petitioner has submitted that petitioner is ready to abide by all the terms and conditions imposed upon her, in case, she is released on bail.

4. On the other hand, learned State counsel has submitted that no case for grant of bail to the petitioner is made out. Petitioner and her family members abet the suicide of Krishan @ Sonu. None of the accused has joined investigation till date. Sarla wife of Krishan @ Sonu (deceased) who was granted the concession of interim bail by the lower court, has also not joined the investigation of the case and thus, misused the concession of bail.

5. This court has given an anxious thought to the rival

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submissions made by learned counsel for the parties and gone through the record available on file.

6. Admittedly, co-accused of the petitioner namely Sarla (widow of Krishan @ Sonu) was granted the concession of pre-arrest bail and did not join the investigation. Moreover, the petitioner along with her co-accused has been specifically named in the FIR. The complainant has lost his son. This court is of the considered view that the allegations levelled against the petitioner and co-accused are specific and serious. The custodial interrogation of the petitioner is necessary to un-earth all the ramifications involved in the instant case.

7. Accordingly, this court does not find it a fit case, in which the extra ordinary provisions of Section 438 Cr.P.C can be invoked.

8. Dismissed.

October 04, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No10