

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

(1)

CRM-M-21324-2017

Date of decision:-28.8.2017

Ranjeeta

...Petitioner

Versus

The State of Punjab

...Respondent

(2)

CRM-M-23961 of 2017

Ankit Kumar @ Sunny

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM : HON' BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Suresh Pal, Advocate
for the petitioner(s).

Mr.K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.(ORAL)

Vide this order, I propose to dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-21324-2017** filed by Ranjeeta and **CRM-M-23961 of 2017** filed by Ankit Kumar @ Sunny, both of them being accused in FIR No.105 dated 25.4.2017, under Sections 379, 328 and 120-B IPC, Police Station Dera Bassi, District SAS Nagar.

Briefly stated, facts of the case are that complainant – Deepak Kumar son of late Sh.Raj Pal, resident of House No.276, Gupta

Colony, Dera Bassi, District SAS Nagar was married with accused Ranjeeta daughter of Sh.Naresh Kumar, resident of Beer, Ghaggar Chandi Mandir, Haryana. Smt.Sharmila mother of the complainant residing at Delhi had come to visit her son Deepak Kumar in connection with attending some marriage function. Ranjeeta served her husband Deepak Kumar lemonade mixing some intoxicant therein. Smt.Sharmila mother of the complainant along with Ms.Aanchal sister of the complainant slept in upper portion of the house. Ranjeeta had locked doors of the house. On the next day in the morning, mother of complainant woke him up and stated that Ranjeeta was not at home and her belongings and jewellery items belonging to complainant and his mother which had been entrusted to Ranjeeta were also missing. The mobile number given to her was switched off. The complainant informed father of accused Ranjeeta, namely, Sh.Naresh Kumar, however, he started threatening him using abusive language. On the basis of this statement, formal FIR was recorded.

Apprehending their arrest, the accused had approached the Court of Sessions for grant of pre-arrest bail but they were unsuccessful there, as such, they filed the similar petitions in this Court.

Notice of the petitions was given to the State.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Both the petitioners – accused have been granted interim bail during the course of which, they had joined the investigation.

Learned State counsel has contended that Ranjeeta has not got the entire recovery effected whereas no recovery has been got

effected by petitioner Ankit Kumar @ Sunny. Their custodial interrogation is required. Whereas this request is opposed by counsel for the petitioners vehemently contending that allegations against both the petitioners are wrong. They have not committed any offence. Their custodial interrogation is not required and they deserve to be granted pre-arrest bail.

After hearing rival contentions, I conclude that as far as petitioner Ranjeeta is concerned, although she has joined the investigation and got the recovery effected partly but then keeping in view the nature of allegations that she had made her husband consume lemonade mixed with intoxicant powder making him go asleep and then had left the matrimonial home taking away valuable articles including jewellery items belongings of complainant and his mother, her custodial interrogation is necessary to find out the manner of committing the crime, the persons who had helped and aided her in doing so. It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him/her. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Therefore, in my view no case for grant for pre-arrest bail to petitioner Ranjeeta is made out. Whereas the things are otherwise as far petitioner Ankit Kumar @ Sunny is concerned, who is not named in the FIR and no particular role in the incident has been attributed to him.

Although learned State counsel has contended that during the course of investigation, it came up that he had been in constant touch with Ranjeeta telephonically and he had suffered a disclosure statement but then merely by keeping in touch with prime accused Ranjeeta telephonically does not *ipso facto* go to show the involvement of petitioner – Ankit Kumar @ Sunny in the incident. As regards the disclosure statement said to have been made by him, the same is not stated to have led to recovery of any stolen article belonging to complainant and his mother. Ankit Kumar @ Sunny has since joined the investigation and his custodial interrogation is not found to be necessary keeping in view the facts and circumstances of the case. Therefore, the interim bail granted to him vide order dated 10.7.2017 is made absolute subject to his fulfilling conditions under Section 438(2) Cr.P.C.

In that way **CRM-M-21324-2017** filed by petitioner – Ranjeeta is dismissed, whereas **CRM-M-23961-2017** filed by petitioner – Ankit Kumar @ Sunny is allowed.

28.8.2017
Brij

(H.S.MADAAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No