

CRM-M-9549 of 2017(O&M)

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M-9549 of 2017(O&M)

Date of Decision:26.5.2017

Sunita @ Suneeta

---Petitioner

vs.

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Munish Gupta, Advocate
for the petitioner
Mr. Vikas Malik, DAG, Haryana

Rekha Mittal, J.

Counsel for the petitioner has submitted that the petitioner joined investigation in terms of bail granted by this court vide order dated 21.3.2017. It is further submitted that the petitioner is ready to face proceedings, in accordance with law.

Counsel for the State would concede to the factum that the petitioner joined investigation in terms of interim bail granted by this Court. However, it has been argued with vehemence that custodial interrogation of the petitioner is required in order to extract relevant information with regard to preparing a fake decree of divorce by the petitioner and her co-accused with whom the petitioner purportedly performed marriage on 12.4.2016. It is further submitted that during investigation, it was found that no decree of divorce was passed by the court concerned. A room rented out in the house of Sh. S.P.Raja Mohan Nayyar son of Sh. K.P.Pillai was opened in presence of guards and nearby neighbourers, some

belongings of husband of the complainant were found there including the fake seals prepared by the accused of Mala Trivedi, Oath Commissioner, Ravinder Sethi, Civil Judge, Judicial court Gurgaon, Standard Chartered Bank and Prachi Communication Green Park, New Delhi. It is submitted that both the accused worked together in United Health Group Cyber Park, Gurgaon in the year 2012, came in contact with each other and established illicit relations with each other.

I have heard counsel for the parties, perused the paper book and the police records.

As per the allegations raised against the petitioner, she came in contact with the other accused in the year 2012 and they developed physical relations. The petitioner and her co-accused performed marriage on 12.4.2016. The decree of divorce alleged to be forged and fabricated is also dated 12.4.2016. During search of the room taken on rent, fake seals and decree of divorce were recovered. Custodial interrogation of the petitioner is required for progress in investigation and to unearth the crime. As per the settled law, custodial interrogation is elicited oriented viz-a-viz questioning a person who has the protective umbrella of interim bail. In view of the above, the petitioner is not entitled to pre arrest bail, a concession to be allowed by the Court.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

26.5.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No