

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

CRM-M-24998-2018

Date of decision:-6.8.2018

Rekha Rani

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.S.S. Siao, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Rekha Rani, an accused in FIR No.505 dated 7.5.2018, under Section 306 IPC, registered with Police Station City, Karnal, District Karnal.

Briefly stated, the facts of the case as per the prosecution story are that on 3.5.2018, on receipt of a telephonic information at Police Post Ram Nagar, Karnal with regard to admission of Rajni wife of Sanjay, resident of Brahm Nagar, Karnal in Balaji Hospital, Karnal with burn

injuries, a police party went to the said hospital; that after obtaining opinion from the attending doctor with regard to fitness of Rajni to make statement, her statement was got recorded from Judicial Magistrate, Karnal; that the statement of Rajni was recorded by learned Magistrate in question – answer form, wherein she stated that there is a girl by name of Rekha, who had ruined her family life for last four years; that she has been quarrelling with her repeatedly; the matter used to be compromised; that Rekha would come to her in-laws house and state that what sort of woman they had kept in their house, that she was engaged in prostitution and they had purchased her from Himachal Pradesh; that she was involved with some other person, which was factually wrong. In the statement Rajni stated that Rekha had levelled allegations of prostitution and blackmailing her and for that reason she had sprinkled petrol on herself and set herself on fire. She blamed Rekha for the entire episode.

Formal FIR in the matter was registered. The matter was investigated. Rajni had succumbed to the burn injuries on 7.5.2018. Offence under Section 306 IPC was added in the FIR.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Additional Sessions Judge – cum – Special Court for Cases of Heinous Crime Against Women, Karnal vide order dated 29.5.2018. As such, the petitioner has approached this Court asking for the similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

In the statement made by the deceased before Judicial Magistrate, the entire blame has been put on the shoulders of Rekha for driving the deceased to take the extreme step of sprinkling petrol upon herself and setting herself on fire.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation so as to find out the truth of the allegations levelled by the deceased in her statement before Judicial Magistrate, which forms her dying declaration. Such statement cannot be brushed aside lightly. The plea taken by the present petitioner is that earlier Rajni had been working in office of Gagan but she was removed from service and in her place Rekha was given job, therefore, Rajni started keeping ill will for her and even assaulted her, though the matter was reported to police but that was compromised. It has to be noticed that in her dying declaration, the deceased had stated that Gagan has no role to play in compelling her to take the extreme step and she does not have any grouse against anybody except Rekha, the present petitioner. 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.

Thus finding no merit in the petition, the same stands dismissed.

6.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No