

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

CRM-M-40982-2016

Date of decision:-17.8.2018

Salochna Sood

...Petitioner

Versus

The State of Punjab and another

...Respondent

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

Argued by: Mr.L.S. Lakhanpal, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Jagjit Singh, Advocate
for respondent No.2.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner Salochna Sood, an accused in FIR No.172 dated 11.10.2016, under Sections 406, 498-A, 494 IPC, registered at Police Station City, Rupnagar, District Rupnagar.

Briefly stated, the facts of the case as per the prosecution

story are that complainant Rajinder Kaur had submitted a written complaint addressed to SSP, Rupnagar *inter alia* contending that she was earlier married with one Manjit Singh but that marriage did not work and ended in a divorce between the spouses in the year 2008; that thereafter, she started residing in the house of her father Mohinder Singh at House No.308-A-1, Sector 2, Naya Nangal; that during that period Hitesh Kumar Sood son of present petitioner Salochna Sood contacted her in the year 2011 and offered to marry her; that he did so in connivance with his brother and mother (Salochna Sood – present petitioner); that the marriage took place between the complainant and Hitesh Sood, which was a simple affair; that after the marriage, both of them started residing together as husband and wife; that the complainant has alleged that Hitesh Sood committed rape on her; that Hitesh Sood had promised her to take her to England stating that he would send some documents from England and called her there, however, his mother told that business of Hitesh Sood was not in good condition, therefore some money would be required and asked the complainant to arrange some money by selling her jewellery. According to the complainant, she handed over all her gold ornaments to the mother of Hitesh Sood; that Hitesh Sood went abroad by selling the ornaments; that after two months mother of Hitesh Sood i.e. present petitioner went to reside with her second son namely Ramesh Sood leaving the complainant alone. According to the complainant, Salochna Sood had embezzled her ornaments worth Rs.2,50,000/-. She has further contended that in the written complaint that she came back to reside with her parents at Nangal where Hitesh Sood would visit her and have sex

with her; that when mother of Hitesh Sood returned from England and complainant contacted her then she told her that she had no relation with her son Hitesh Sood and denied the marriage between two; that in the year 2012 Hitesh Sood came from England and the complainant tried to contact him but he avoided doing so. However, Hitesh Sood took rented accommodation for complainant at Kharar and he visited her there occasionally had sex with her promising to take her to England after completion of formalities. According to the complainant, she had sent a sum of Rs.28 lakhs to Hitesh Sood as demanded by him; that later on she asked him to return the amount but he returned some amount leaving a balance of Rs.20 lakhs. According to the complainant, she came to know that in the year 2014, Hitesh had visited India and got married with Jaswinder Kaur and then returned to England, though he was got arrested at airport on a complaint having been filed by Sh.B.D. Kapoor. She sought taking of action against Hitesh Sood, his mother Salochna Sood and Ramesh Sood. After registration of the FIR, the matter was investigated.

Apprehending her arrest in this case, petitioner accused had approached the Court of Sessions seeking grant of pre-arrest bail but her such application was dismissed by the Court learned Additional Sessions Judge, Rupnagar vide order dated 1.11.2016. As such he has approached this Court asking for similar relief.

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

A perusal of the FIR goes to show that the main thrust of

allegations is against Hitesh Sood. With regard to the present petitioner, mainly the allegations are that as per her demand, the complainant had handed over her jewellery to her of the value of Rs.2,50,000/-, which she sold and gave proceeds to her son Hitesh Sood. However, it is a talk of about 2011, whereas the FIR was lodged in 2016 i.e. after five years. Even otherwise, according to the complainant, marriage between her and Hitesh Sood was a simple affair. If that was so, then it seems little bit improbable that after some time mother of Hitesh Sood would ask the complainant to hand over her jewellery articles and she would do so meekly without asking any question. Even if, it is taken that such allegations are correct then no recovery can possibly be effected from the petitioner since as per own version of the complainant, she had sold the jewellery and sent Hitesh Sood abroad meeting the expenses out of those proceeds. In this case, there are several questions, which require answers. The complainant is relying upon some photographs to show her marriage with Hitesh Sood. Only during the trial, it can be found out whether it was a legal or valid marriage. In this case the petitioner has joined the investigation and has been released on interim bail. The custodial interrogation of the petitioner is not found to be essential, therefore, the petition has merit. The interim bail granted to the petitioner vide order dated 22.12.2016 is made absolute, subject to the following conditions:

- 1) that she shall make herself available for interrogation by a police officer as and when required;
- 2) that she shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

- 3) that she shall not leave India without the previous permission of the Court; and
- 4) they she surrender her passport before the Investigating Officer if she has got one otherwise to furnish affidavit in that regard.

The petition is allowed accordingly.

17.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No