

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

(Heard through VC)

CRM-M-39750 of 2020 (O&M)
Date of Decision: December 11, 2020

Meenu Garg

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sumit Sangwan, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

Mr. Ankush Singla, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. This is a petition under section 438 Cr.P.C. for grant of pre arrest bail to the petitioner in case FIR No.246 dated 06.10.2020, under Section 306 IPC read with Section 34 IPC registered at Police Station Dadri City, District Charkhi Dadri.

2. In brief the facts as alleged are that an FIR came to be registered at the behest of complainant, alleging that he, his wife Manisha and son were being harassed and tortured by the petitioner Meenu Garg from time to time. Meenu Garg, the petitioner herein, is the wife of the

elder brother of the complainant. On account of the harassment, both the brothers decided to divide the house in two parts by constructing an intervening wall, but the same could not be done due to the conduct of the petitioner herein. In fact, the mother of the complainant used to reside with the complainant and the deceased. It was alleged that the petitioner used to quarrel with everyone in the family and harassed the deceased Manisha to such an extent that she committed suicide by taking a poisonous substance. She left behind a suicide note wherein she clearly specified the reason for committing suicide naming the petitioner therein.

3. Learned counsel appearing on behalf of the petitioner would contend that the allegations as set out in the FIR would not constitute an offence under section 306 IPC and that her name was mentioned in the FIR with an oblique motive and for false implication. It is argued that no specific injury has been attributed to the petitioner nor is there any recovery is to be affected and hence, her custodial interrogation would not be required. It is also argued that there is no other case pending against the petitioner and that she is ready to join investigation.

4. Pursuant to the notice of motion, appearance has been caused by the State and complainant. A status report has been filed by the State. Counsel for the respondent-State and the complainant submit that prior to the incident of the deceased committing suicide, the complainant had moved a written complaint to the Superintendent of Police, Charkhi Dadri complaining about the harassment and torture at the hands of Meenu Garg, which complaint was disposed of on the basis of compromise arrived at between the parties. An assurance had been given

by the petitioner to allow partition of the premises so that parties could reside separately, but the petitioner did not change her conduct. It is argued that the deceased and the complainant were better off financially and were even looking after the aged mother. In fact, they had given their own son in adoption to the elder brother and his wife Meenu Garg, and therefore, there would be no oblique motive to falsely implicate the petitioner. It is further urged that the aged mother, i.e the mother-in-law of both the petitioner and the deceased had put in an appearance before the Additional Sessions Judge and had stated that the conduct of the petitioner was such that it had become unbearable to the deceased who ultimately committed suicide.

5. I have heard the counsel for the parties and find no ground is made out to allow the relief as sought. Admittedly, there is a suicide note implicating the petitioner herein and the matter would require investigation.

6. At this juncture, counsel for the petitioner requests that the petitioner would surrender but prays for the regular bail application to be decided expeditiously.

7. Request is allowed.

8. The petitioner is directed to surrender before the trial court within a period of two weeks from today. In case, the petitioner herein surrenders before the trial court within the aforesaid period and moves an application for grant of regular bail, the trial court is directed to decide the said application for grant of regular bail expeditiously, preferably within a period of ten days thereafter.

9. The petition stands disposd of with the aforesaid directions.

December 11, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No