

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through Video Conferencing)**

Crl. Misc.M-6149 of 2021 (O&M)
Date of Decision: 22.2.2021

Jitender Soni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Mittal, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 19 dated 25.1.2020, under Sections 306, 34, 452 and 506 IPC registered at Police Station Gurgaon City, District Gurugram.

2. The aforesaid FIR has been lodged against as many as 19 persons. The facts in brief are that the instant FIR was lodged at the instance of the complainant—Geetika Gulati alleging that her husband was a lawyer by profession and was practising at Gurugram Court. The complainant and her husband Amit Gulati had taken financial help from the accused persons and given the security cheques to them and thereafter, repaid the amount back, however, instead of returning the security cheques, with malafide intention, the accused persons started threatening the complainant and her husband and they were humiliated, abused and were

mentally and physically tortured. It is further stated by the complainant that on 14.10.2019, the accused persons came in front of their house and started abusing them and they all gathered outside the house and at that time, her maternal aunt Shakuntala and her son Garvit were present and they all threatened the complainant and forcibly entered her house, knowingly that her husband is not at home. Thereafter, they took away mobile phones of all the family members. Later on, after some days, Kartar Singh, husband of Shakuntala died of heart attack because of unnecessary trouble created by the accused persons. The accused persons threatened that they will not allow the complainant to live normal life and they will make the complainant and her daughter to do prostitution and further threatened that if the complainant or her family members informed the police, they will face dire consequences. The incident was recorded in the CCTV. On 17.10.2019, when husband of the complainant came back from Amritsar, he was informed about the incident and when he called accused No.1 on phone, he threatened him that his daughter will be kidnapped. Again on 25.10.2019, accused No.1 & 2 Meenu and Pratyaksh Manocha came and threatened them. The FIR further reveals the various incidents, when all the accused persons had extended threats for not returning their money and family of the complainant was living in a very embarrassed position. It is further stated in the FIR that on 31.10.2019, the complainant was threatened that her daughter will be taken away. Some other similar incidents are also detailed in the FIR regarding threats extended by all the accused persons including the petitioners. Facing humiliation to a great extent, husband of the complainant Amit Gulati consumed some poisonous substance on 03.01.2020 and died on 05.01.2020. Later on, a suicide note was recovered,

in which all the accused persons were named.

3. Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in this case. It is contended that the petitioner has no concern whatsoever either with the complainant or her husband. It is further contended that there is inordinate delay in lodging the instant FIR as the husband of the complainant expired on 5.1.2020 but the FIR was lodged on 25.1.2020 i.e. after delay of 20 days. The petitioner never demanded any amount either from the complainant or her husband nor he ever threatened at any point of time to kill or abduct their daughter or Garvit.

4. On the other hand, Learned State counsel has opposed the prayer for anticipatory bail on the ground that there are direct allegations against the petitioner for causing humiliation to such an extent that husband of the complainant was abetted to commit suicide. It is submitted that in the suicide note written by deceased Amit Gulati, it is stated that he is an Advocate and was fed up from his life because of demand of money by the financial creditors, who are threatening to kill his family and with a threat to kidnap his young daughter. The name of the accused persons are also mentioned in the suicide note.

5. I have heard learned counsel for the parties and have gone through the paper book.

6. The petitioner himself has admitted that he gave a sum of ₹1.55 lakhs to Gravit Dudeja (cousin of the complainant) through NEFT on 23.9.2019 and he did not return the money on one pretext or the other and ultimately refused to return the amount. This fact in itself would indicate that the petitioner was involved in one way or the other in the financial

transactions, which is the root cause of dispute in the instant case and therefore, at this stage the involvement of the petitioner cannot be ruled out.

7. Consequently, the instant petition is dismissed.

22.2.2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No