

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

**CRM-M-20100 of 2021
Date of Decision: 20.05.2021**

Meena Rani

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Mangat, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 383 dated 27.11.2020, under Sections 306/34 IPC, registered at Police Station Tripuri, Patiala.

The FIR is at the behest of Tauseek son of Mehboob, who is a resident of Uttar Pradesh but presently residing in Patiala. As per his statement, they were five brothers. His brother-Mehfooz Sulemani (deceased) came to Patiala about 15 years ago. The deceased was working as a barber. About four years ago, the deceased entered into relationship with Inder daughter of Meena Rani (petitioner). The petitioner borrowed Rs.5,00,000/- from the deceased to send her son abroad. The amount was paid after withdrawing it from the bank account of the maternal grand

mother's sister- Memuna. The incident was shared by the deceased with his brothers who objected. Once the son of the petitioner went abroad, the deceased asked the money back but the petitioner rather than returning the money picked up a fight. On 26.11.2020, at about 9.00 AM, the deceased went to the house of the petitioner to get the money back. The petitioner, Inder and Khan (lover of the petitioner) gave beatings to the deceased and further threatened that in case he asked the money back, he would be implicated in a false case. The deceased shared the incident with his brother. On 27.11.2020 at about 7.30 PM, a phone call was received from Devender Singh, friend of the complainant, that the deceased had committed suicide, by hanging himself with the ceiling fan. An audio clipping sent by the deceased through his phone to his friend was produced. As per the audio clipping, one person namely Khan stopped the deceased on a passage and gave threat that he will kill him if he asks the petitioner to return back Rs.5,00,000/-.

Learned counsel for the petitioner submits that the deceased had made physical relations with the daughter of the petitioner. He portrayed himself as a police official and the story put up is false.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. She argues that the audio clipping in this case would be as good as dying declaration. There are serious allegations against the petitioner and her custodial interrogation would be necessary to bring out the true picture.

The offence and the role played by the petitioner as alleged in the FIR is a pointer towards gravity of the offence. There is an audio

clipping sent by the deceased to a third person which is produced before the police. The contention of learned counsel for the petitioner that the deceased was having physical relations with the daughter of the petitioner in no way enhances her case. As per FIR the deceased and the daughter of the petitioner were having affairs. There is no FIR or a complaint made either by the petitioner or her daughter against the conduct of the deceased. Moreover, the said aspect has to be gone into during investigation and trial.

Taking into account the allegations and the type of evidence available, no case is made out for grant of anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

20th May, 2021

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |