

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.23116 of 2021
Date of decision:09.08.2021

Sugandha @ Madhu @ Pooja

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

SUVIR SEHGAL J.

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed by the petitioner under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.623 dated 02.12.2012, registered under Sections 201, 302 and 34 IPC, 1860, at Police Station Sadar Bhiwani, District Bhiwani, Haryana.

As per the version of the prosecution, FIR was registered on the basis of statement of Shiv Kumar, Trackman, Railway Department, who stated that on 12.12.2012 at about 01.00 PM, during the course of

performance of his duty, he found a badly burnt dead body of a male aged between 30-32 years lying near the railway track and it appeared that the deceased had been murdered somewhere else and the body had been burnt using oil. He also found a black sandal near the charred body. After registering of formal FIR, the investigation was conducted and as the body remained unidentified, it was cremated by the Municipal Council, Bhiwani, a cancellation report dated 26.03.2013, Annexure P-1, was prepared which was accepted by the trial court. However, during the investigation of FIR No.247 dated 01.06.2020 registered under Sections 498-A, 323, 506, 302, 34 IPC registered at Police Station Khol, District Rewari, a disclosure statement was made by Yogesh, husband of the petitioner, on the basis of which, the case was re-opened and besides Yogesh, his father Kuldeep (since deceased), Surajmal and Sugandha @ Madhu @ Pooja (present petitioner) were named as accused.

Counsel for the petitioner has contended that the petitioner has been nominated as an accused on the basis of a disclosure statement of co-accused six years after the cancellation report had been prepared in the FIR. He submits that the petitioner had lodged FIR No.247 dated 01.06.2020 against Yogesh, Kuldeep and other accused and out of vengeance, they named the petitioner as one of the persons responsible for the murder of her father, Gajraj. It is his argument that the story is most improbable as its hard to believe that a child will plan the murder of her father. By placing reliance on the FSL report dated 28.03.2013, Annexure P-2, he contends that the story of the prosecution falls flat as no inflammable residue was found by the FSL from the material recovered at the spot where the body was found.

Per contra, State counsel, upon instructions from SI Virender Singh, has opposed the petition by placing reliance on the status report filed by way of affidavit of Deputy Superintendent of Police, Bhiwani. He urges that the petitioner played an active role in the murder of her father as he was opposed to the relationship of the petitioner with the co-accused.

I have considered the rival submissions of the parties and perused the paper-book with their able assistance.

In the status report filed on behalf of the State, it has been submitted that during the course of investigation of the FIR lodged at the instance of the petitioner, another accused, Kuldeep, disclosed that he had illicit relations with Babli, wife of Gajraj (deceased) and on 01.12.2012, the accused-petitioner came and complained to him that her father was torturing her and she asked for his help to assault him. On the pretext of giving him some money, deceased, Gajraj was called to Bhiwani, where the accused strangled him with a *safa*, took his dead body in a vehicle belonging to Surajmal to a deserted place near a railway line at Dhana Ladanpur, and burnt it by pouring petrol on it. In order to cover the crime, the marriage of the petitioner was performed with his son, Yogesh, on 14.03.2013. After investigation, the State has presented the challan against the accused Yogesh, Surajmal and Kuldeep (since deceased) on 25.09.2020 and charges against them have been framed on 16.04.2021, but the petitioner is absconding and is yet to be arrested.

Petitioner is accused of conniving with the co-accused, murdering her father and disposing off his body in a brutal manner as well as destroying other material evidence. The allegations against the petitioner are very serious and her custodial interrogation is necessary to determine her role in the *saga*. The concession of anticipatory bail, cannot be extended to her, in view of the above facts and circumstances.

Petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.08.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No