

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CRM No. M-35981 of 2021
Date of Decision : 02.09.2021

Smt. Himani Kapoor and another

...Petitioners

Versus

State of Haryana

...Respondent

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dinesh Kumar Prajapati, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners in respect of FIR No. 224, dated 20.08.2021, registered under Section 306, 34 IPC at Police Station Chhansa, District Faridabad.

Learned counsel for the petitioners argues that petitioners are innocent ladies and are being falsely implicated in the present case. Learned counsel for the petitioners submits that in fact the deceased was the one, who was harassing petitioner No. 1 and was pressurizing petitioner No. 1 to marry him, which act of the deceased was resisted by petitioner No. 1. Learned counsel further submits that petitioner No. 1 is a married lady and petitioner No. 2 is mother of petitioner No. 1, who is 55 years old and, therefore, petitioners be granted the benefit of anticipatory bail in the

present case.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel argues that the assertion on behalf of the petitioners that nothing wrong has been done by them, is not correct as the petitioners have been specifically named by the deceased in the suicide note with the clear allegation that he was being blackmailed by the petitioners and was being harassed by them to give more money driving the deceased to commit suicide. Learned State counsel submits that custodial interrogation of the petitioners is very necessary to elicit the information regarding the blackmailing and harassment of the deceased at the hands of petitioners.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

No doubt, the petitioners are ladies but the allegations alleged against them are very serious. Learned counsel for the petitioners has not been able to controvert that the deceased has named both the petitioners specifically in the suicide note with the clear allegation that he was being blackmailed by them and was further being harassed to give more money. Not only investigation in this case is to be undertaken to unearth the reasons for blackmailing the deceased by the petitioners but also to ascertain the receipts by the petitioners in respect of allegations of blackmailing, hence the custodial interrogation of the petitioners is necessary.

Further, this is not a case, where allowing the petitioners to join into investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in ***State represented by the C.B.I. Vs. Anil Sharma***, 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the present case, the person, who has leveled allegations against the petitioners of harassment and blackmailing in the suicide note, is no more in the world so as to assist the police in investigation hence, the police has to be given an effective hand to elicit the truth in the present case, which can only be done by the custodial interrogation of the petitioners.

No ground is made out to grant the benefit of anticipatory bail to the petitioners.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 02, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No