

209

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53893 of 2021 (O&M)

Date of decision: 10.01.2022

Pooja and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amar Vivek Aggarwal, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.0208 dated 20.10.2021 registered under Sections 302, 120-B IPC read with Section 34 IPC at Police Station Buria, District Yamuna Nagar.

Counsel for the petitioners has argued that in fact, prior to registration of the present FIR, the complainant side registered FIR No.183 dated 15.09.2021 under Section 506 IPC, in which there were no such allegations, which were made in the present FIR regarding the illicit relationship of petitioner No.1 – Pooja with a 3rd person or the allegation of committing the murder.

Counsel for the petitioners has further submitted that petitioner No.1 – Pooja was married to deceased Neetu in the year 2010 and out of this wedlock, 02 children namely Divyash aged about 10 years and Vedansh, aged 08 years were born and all of them were living happily. It is further submitted that till June, 2021, everything was

HEARD THROUGH VIDEO CONFERENCING

going well, however unfortunately, due to health problem of petitioner No.1, she was undergoing treatment and she was asked to sleep in a separate room by her in-laws. On 27.06.2021, the husband of petitioner No.1 namely Neetu, was found hanging with a ceiling fan on the first floor of her matrimonial home, which was noticed by Moni Singh, brother-in-law of petitioner No.1, who called the neighbour namely Bhanwar Singh and then they called petitioner No.1 from the ground floor. It is further submitted that thereafter, the aforesaid FIR No.183 was got registered by Khadak Singh, father-in-law of petitioner No.1 with the allegation that his son Neetu had died about 03 months ago and petitioner No.1 is threatening that she will eliminate the minor children. It is also argued that no such allegations which are part of the present FIR No.208 were leveled in the said FIR. It is also submitted that subsequently when the present FIR No.208 was registered on 20.10.2021 i.e. after about 01 month of registration of FIR No.183, for the first time, it is alleged that petitioner No.1 was having illicit relationship with another man namely Bhavnish and his son used to confront both of them.

Counsel for the petitioners has also argued that the further allegation is that Bhavnish has uploaded the picture of petitioner No.1 on a WhatsApp group named 'Har Har Mahadev' and from the same, the complainant became suspicious that Neetu has been murdered. It is further submitted that in fact, the petitioner No.1 and her minor sons were kept hostages by the complainant Khadak Singh and his family members and for that reason, petitioner No.2 i.e. father of petitioner No.1 namely Mainpal Singh, had filed CRWP No.9860 of 2021 on 13.10.2021 praying for their release from the illegal custody and on the

HEARD THROUGH VIDEO CONFERENCING

same day, a Warrant Officer was appointed and the petitioner No.1 Pooja and her minor children were released. The following order was passed on 25.10.2021:-

“Mr. Ravinder S. Budhwar, Advocate has filed Power of Attorney on behalf of respondents No.4 to 8 and the same is taken on record.

Learned counsel for the petitioner submits that the detenue has been released by the Warrant Officer.

In view of the above, nothing survives in the instant petition and the same is disposed of as infructuous.”

Counsel for the petitioners has also submitted that the present FIR is a counter-blast to the said petition, which was filed prior to registration of this FIR.

Counsel for the petitioners has further argued that the petitioners have filed various representations before the higher police officials for proper investigation of the case and the same is pending.

On a Court query, counsel for the State could not dispute that till the time the deceased Neetu was alive, no complaint was given to any authority regarding any illicit relationship of petitioner No.1 with the aforesaid Bhavnish and all these allegations have been levelled only after the death of the husband of petitioner No.1. It is also not disputed that there was no dispute between petitioner No.1 Pooja and Neetu of any kind in the shape of a matrimonial dispute or there was no complaint or Court proceedings pending between them.

In reply, counsel for the petitioners has submitted that in fact, Neetu (since deceased) was owner of some agricultural land and in order to debar the petitioner No.1 and her minor children, to take possession of the said land, the present FIR has been registered, falsely

HEARD THROUGH VIDEO CONFERENCING

implicating the petitioners.

After hearing the counsel for the parties, considering the aforesaid facts and circumstances of the case, I find it to be a fit case where the concession of anticipatory bail to the petitioner can be granted.

Accordingly, the present petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.*

(ARVIND SINGH SANGWAN)
JUDGE

10.01.2022
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No