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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6396 of 2023 (O&M)

Date of decision: 07.02.2023

Rajiv Kalia

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Sodhi, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.199 dated 14.12.2018 under Sections 306/34 IPC, registered at Police Station Basti Bawa Khel, District Jalandhar; earlier one was dismissed as withdrawn on 18.08.2021.

Counsel for the petitioner has relied upon the order dated 30.11.2022 passed in CRM-M No.55190 of 2022, vide which the co-accused of the petitioner namely Jyoti Kalia and Sumati Kalia, have been granted the concession of bail. The operative part of the said order, reads as under:-

“Brief facts of the case are that aforesaid FIR was got registered by complainant Sheena Kalia against Rakesh Kalia, his son Rajiv Kalia and his wife Jyoti Kalia, in which it is stated that the complainant was married to deceased Rahul Kalia on 06.07.2003 and she has 03 children (two minor daughters and one minor son) from the said marriage. After her marriage, she stayed with her in-laws for a period of about 10 years. It is further stated that accused Rajiv Kalia is the real brother of her husband, Jyoti Kalia is the mother-in-law, Rakesh Kalia is

father-in-law and Sumati Kalia is wife of Rajiv Kalia, who separated the complainant and her husband in the mess and kitchen and they started living on the ground floor and the accused was living on the first floor. It is further stated that the husband of the complainant was having a joint medical business with Rakesh Kalia and brother of the accused and they were always looking for an opportunity to throw the husband of the complainant out of the business and they also used to give him less amount of income and would keep major amount of income with them. In order to help her husband, the complainant opened a play way school at her parental house on 15.06.2018 with the help of her brother and mother so that she may generate additional income for the family. It is further stated that husband of the complainant used to remain frustrated due to the ill treatment and harassment caused by the accused persons. On 17.08.2018, husband of the complainant left the complainant and her kids to her parental home, where she was running a play way school and he left for the shop. As per normal routine, husband of the complainant used to pick her (i.e. the complainant) at about 02:30 p.m. and on that day, when he did not turn up, she tried to contact him on phone number and landline number and servant of the shop namely Vijay informed her that he had already left at about 01:30 p.m. On this, the complainant reached her matrimonial home and found that her husband was lying unconscious in a room and accused told her that he is not feeling well due to the diabetic problem. He was taken to civil hospital, where doctors declared him dead. On the next day in the morning, at about 09:00 a.m. despite resistance of the complainant not to perform the last rites, he was cremated at about 10:00 a.m. It is further stated that the complainant was under utter shock and could not go to her room. On 20.08.2018, when she searched the almirah of her husband, she found the mobile phone of her husband lying on the shelf and she also found a hand-written note under the mobile phone and thereafter, she informed the police.

Learned counsel for the petitioners submits that new ground for filing this second petition is that now the parties have settled the dispute and in terms of the order dated 24.01.2022 passed in CRM-M-50903-2022, complainant Sheena Kalia has already recorded her statement on 03.02.2022 in support of the compromise.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, DAG, Punjab accepts notice on behalf of the respondent-State, while Mr. Ankit Chauhan, Advocate has appeared on behalf of respondent No.2-complainant.

Learned State counsel, assisted by learned counsel for respondent No.2-complainant, could not dispute the factum of compromise.

I have heard learned counsel for the parties.

Though on an earlier occasion, anticipatory bail of co-accused Rakesh Kalia was dismissed, however, considering the fact that the petitioners and the complainant belong to the same family and they have reconciled the things, this petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that the parties have already settled the dispute as noticed above.

Counsel for the State has raised no serious objection to the submissions made by counsel for the petitioner in view of the admitted fact.

Accordingly, the present petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

07.02.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No