

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

233 CRM-M-46197-2023 (O&M)
Date of order: 20.11.2023

Neeraj SharmaPetitioner(s)

Vs.

State of PunjabRespondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ravi Chadda, Advocate
for the petitioner.

Mr. Abhay Pal Singh, DAG Punjab.

Nidhi Gupta, J.

Prayer in the present second petition is for grant of anticipatory bail to the petitioner in a case FIR No.149 dated 26.10.2022 registered under Sections 306 and 34 IPC (Section 304-B IPC added later on) at Police Station Sujanpur, District Pathankot.

On 15.09.2023, this Court had passed the following order:-

“Prayer in this second petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.149 dated 26.10.2022, under Sections 306/34 IPC and 304-B IPC added later on, registered at Police Station Sujanpur, District Pathankot.

The present FIR has been registered on the statement of the brother of the deceased/complainant-Rohit Sharma, which reads as under :-

“Stated that I am resident of Vill: Thesian, Sujanpur, Pathankot aged about 29 years, Mobile no.7986967290 and resident of abovementioned address and running a grocery store. The

marriage of my Sister namely Sonia Sharma was solemnized with Neeraj Sharma about one & half year ago. who was stated to be working in the bank as disclosed by mediator at the time of marriage. After the marriage for about 3 months both of them were happily living. After the marriage they came to know about the fact that boy is not serving in the bank and unemployed. Thereafter quarrel started between each other on petty matters. The husband of my sister namely Neeraj Sharma, mother-in-law Sunita Devi wife of Ram Murti Sharma, elder brother-in-law Rishu Sharma, elder sister in law Pihu Sharma were occasionally taunting and harassing my sister and sometimes they gave beatings to my sister and turned her out of the house. Many times they were tried to make understand by them but they did not mend their ways. My brother inlaw Neeraj Sharma was not giving any money to my sister and we were giving money to our sister. The said persons had kept my sister in separate room on the 1st floor and they had also broken her mobile and nobody was talking with her. On dated 01/10/2022 we brought our sister back to our house. She became very tense and she told them that all the said persons physically and mentally harassed her. On 25.10.2022 at about 9 PM she had committed suicide by covering the Dupatta in her neck after tying the same with the railing of the stairs of the house. Necessary legal action may kindly be taken against the guilty. Statement has been made and heard and correct."

Learned counsel for the petitioner inter alia submits that the petitioner is the husband of the deceased. It is submitted that the marriage between the petitioner and the deceased was solemnized on 24.4.2021 and no child was born out of the said wedlock. It is submitted that the deceased had gone back to her parental home on 01.10.2022, where she committed suicide by hanging herself on 25.10.2022 at about 9 pm. Learned counsel submits that FIR has been registered one day later i.e. on 26.10.2022 and the co-accused i.e. mother-in-law and sister-in-law of the deceased have been granted anticipatory bail by this Court vide order dated 09.8.2023 in CRM-M-58245-2022 (Annexure P-3) and CRM-M55877-2022 (Annexure P-4) respectively. Learned counsel submits that petitioner is

ready to join the investigation and undertakes to cooperate in the investigation.

Notice of motion.

On asking of the Court, Mr. Jaswinder Singh Arora, DAG, Punjab accepts notice on behalf of respondent-State and seeks time to file detailed status report in the matter.

Adjourned to 20.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer ;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned State Counsel files status report by way of affidavit of Rajinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Dhar Kalan, District Pathankot dated 18.11.2023, which is taken on record and on instructions states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 15.09.2023 granting interim bail to the petitioner is made **absolute**.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

20.11.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No