

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

281

CRM-M No.54352 of 2023  
Date of decision: 12.12.2023

Sanjida

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Saleem Ahmed, Advocate,  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,  
for the respondent-State.

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**MANISHA BATRA, J.**

1. Through the instant petition under Section 438 of Code of Criminal Procedure, the petitioner seeks anticipatory bail in case FIR No.190, dated 03.07.2023, registered under Sections 307, 323, 506 and 498A of IPC and offence under Section 304B of IPC was added later on at Police Station Dhauj, District Faridabad, Haryana.

2. Brief facts relevant for the purpose of disposal of this petition are that on 03.07.2023, on receipt of an information regarding admission

of one Rijwana wife of Mufeed resident of Village Sirohi in Pranchi Hospital, Faridabad in burnt condition, a police party headed by HC Mukesh reached at the hospital and obtained opinion of the doctor regarding condition of the victim Rijwana. It was told that she was in critical condition having sustained 95/96% burn injuries. An application was immediately moved to the concerned Magistrate for recording the statement of the victim under Section 164 of Cr.P.C. and the same was recorded wherein the victim alleged that she had been harassed by her husband Mufeed and by the petitioner her sister-in-law Sanjida on account of bringing less dowry and they used to demand money. She alleged that on 03.07.2023, while she was sleeping in her house at about 2 AM, her husband had poured kerosene oil on her and set her ablaze whereas the petitioner was standing outside. Initially, a case under Section 307, 323, 498A and 506 of IPC was registered. The victim succumbed to the burn injuries and died on 12.07.2023. Offence under Section 304B of IPC was added. The accused Mufeed was arrested. The investigation is going on.

3. The present petition has been filed by the petitioner seeking grant of anticipatory bail on the grounds and it has been argued by learned counsel for the petitioner that she has been falsely implicated in this case. She has no concern with the alleged offence. She is ready to join the investigation. Her custodial interrogation is not required. She is a young girl of 18 years of age. Infact, there was matrimonial discord between the victim and her brother Mufeed and that is why the victim

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had committed suicide. In her statement recorded before the Magistrate, the victim had not attributed any specific act to the petitioner. Hence, it has been urged that she deserves to be given concession of anticipatory bail.

4. Vide order dated 23.10.2023, the petitioner was directed to join investigation. The respondent-State has filed status report as per which the petitioner has joined investigation on 22.11.2023 and has suffered a disclosure statement, copy of which has been annexed as Annexure R-3. Learned State counsel has argued that there are serious and specific allegations against the petitioner. In her disclosure statement, she has admitted her involvement in the act of setting the victim ablaze and harassing her on account of demand of dowry. He has argued that in view of the gravity of the allegations so levelled, the petitioner does not deserve to be given concession of bail.

5. The petitioner along with her brother Mufeed is alleged to have subjected the victim Rijwana to cruelty on account of demand of dowry and is alleged to have taunted and abused her as well as extended beatings to her. She is also alleged to have been connived and participated with her brother in the act of setting the victim ablaze as on 03.07.2023. In her statement recorded under Section 164 of Cr.P.C. before the Magistrate on 03.07.2023, the victim is shown to have made specific allegations against the petitioner qua being harassed by the petitioner on account of demand of dowry and had also stated that while she was set at fire by her husband, the petitioner was present outside. In

her disclosure statement which has now been recorded before the police, the petitioner is shown to have disclosed that she was actively involved in the act of sprinkling kerosene over the victim when she was sleeping on a cot and had caught hold of her while her brother had set her on fire and then she had fled from the spot. No doubt, the petitioner has already joined investigation and her custodial interrogation is no more required. However, only on this ground, no case is made out for extending benefit of anticipatory bail to the petitioner. It is well settled proposition of law that a Court hearing anticipatory bail application should firstly consider the fact that a prima facie case has been made out against the accused. The nature of offence is also to be looked into along with the severity of the punishment thereafter. The Hon'ble Supreme Court in a recent judgment dated 21.10.2022 pronounced in case bearing Criminal Appeal No.1834 of 2022 arising out of SLP (Criminal) No.7188/2022 titled as *Sumitha Pradeep v. Arun Kumar C.K.*, had observed that it was a misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. It is also well settled that the powers under Section 438 of Cr.P.C. are to be exercised in sparing and extraordinary circumstances when the facts of the case so warrant. In the present case, no such extraordinary circumstance has been made out. Rather there are grave and serious allegations as against the petitioner.

6. Keeping in view the nature of the subject offences, the quantum of the sentence which the conviction may entail and the

attendant facts and circumstances, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

12.12.2023

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(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No