

209-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57756-2022 (O&M)

DATE OF DECISION:-16.03.2023

Neha Goyal and others

...Petitioners.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chetan Bansal, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

None for the complainant.

HARKESH MANUJA, J.

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioners, in case FIR No.489 dated 04.12.2022, under Section 306 IPC, registered at Police Station City Ferozepur, District Ferozepur.

On 09.12.2022, this Court passed the following order:-

“Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.489 dated 04.12.2022, registered at Police Station City Ferozepur, District Ferozepur, under Section 306 IPC.

Learned counsel for the petitioners contends that petitioner No.1 is sister-in-law of one Nikhil Goyal whereas petitioners No.2 and 3, who are husband and wife, are his(Nikhil Goyal) sister and brother-in-law; that since February, 2021, Nikhil Goyal had been living with Bhavna in a live-in-relationship; that husband of the complainant, namely Chander Shekhar Sharma, who was a practising lawyer in the District Court, Ferozepur, committed suicide; that as per the prosecution version, on 25.11.2022 at about 5.57 p.m., the complainant received a call from her husband through his mobile, but thereafter, he could not be contacted and that dead body of her husband was found from Sulaimanki Head, Suratgarh, District Ganganagar.

Learned counsel contends that the petitioner being close relatives of Nikhil Goyal, who was living with Bhavna in a live-in-relationship, had no role to play in the

alleged occurrence and that co-accused, namely, Phool Kumar Goyal and Ajay Goyal have since been arrested.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. C.M.Munjhal, Mr. Vikram Satpal Anand, Mr. Piyush Sharma, Ms. Seema, Mr. Rajesh Kapila and Mr. Sushant Gupta, Advocates, put in appearance, on behalf of the complainant.

Learned State counsel and learned counsel for the complainant submit that Nikhil Goyal solemnized marriage with Bhavna on the false pretext that he had already taken divorce from his earlier wife and he had no child born out of the said wedlock. In fact, he had not taken divorce from his earlier wife and one child, now aged about 07-year, was born out of the said wedlock. It is also submitted that the petitioners and the co-accused were harassing and maltreating Bhavna.

Adjourned to 16.03.2023.

Meanwhile, the petitioners are directed to join investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned State counsel, on instructions from ASI Baldev Singh submits that in compliance of aforesaid order dated 09.12.2022, petitioners have joined the investigation and are no more required for further interrogation.

Having considered the aforesaid facts and circumstances of the case, order dated 09.12.2022 passed by this Court is made absolute.

Disposed of accordingly.

16.03.2023

sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No