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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5588-2024
Date of Decision: 13.03.2024

Reetu Rani Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Kavita Arora, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

HARSH BUNGER J. (ORAL)

1. Petitioner (Reetu Rani) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in case FIR No.256, dated 30.07.2023, under Sections 306 and 420 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Kalanwali, District Sirsa, Haryana (Annexure P-1).
2. Upon issuance of notice, status report by way of affidavit dated 16.02.2024 of Mr. Gurdial Singh, H.P.S., Deputy Superintendent of Police, Kalanwali, District Sirsa has been filed on behalf of State of Haryana, which is already on record.
3. Succinctly, the abovesaid case FIR has been registered on the basis of the statement of one Harjinder Singh @ Tillu (complainant), wherein it is alleged that on 23.07.2023, one Charanjeet Singh s/o Hira

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Singh, who is posted in Haryana Home Guard accompanied by two ladies, one of them namely Seema and the name of another woman is not known to the complainant, received a sum of Rs.75,000/- from Nirmal Singh @ Nikka (brother of the complainant) for being mediators in fixing the marriage of Nirmal Singh @ Nikka (brother of the complainant) with one Neetu @ Harjit Kaur d/o Richhpal Singh. It is alleged that after the marriage, Neetu @ Harjit Kaur remained in their house only for two days and on 25.07.2023 Neetu @ Harjit Kaur (wife of Nirmal Singh) asked him (Nirmal Singh) to drop her at her parental house as her mausi was unwell. Thereafter, when Nirmal Singh @ Nikka (brother of the complainant) used to call his wife, sometimes her phone was switched off and sometimes she did not pick up the call and due to the aforesaid reasons, Nirmal Singh @ Nikka became suspicious and got upset. Later on, the complainant and Nirmal Singh @ Nikka came to know that all the accused persons connived with each other and were indulging in such practice(s). Ultimately, Nirmal Singh @ Nikka after being fed up from the situation, consumed poison and committed suicide. Accordingly, the aforesaid case FIR was got registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in the present case and her name only surfaced in the disclosure statement of the co-accused. It is submitted that the petitioner is mother of two minor children and it is very difficult to manage the house without petitioner. It is further submitted that the petitioner has no role to play in the said incident. Learned counsel submits that the petitioner was not initially named in the FIR, but it was only at the time of presentation of challan, that the name of the petitioner

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was added only to harass her. Learned counsel submits that the petitioner is an illiterate lady and the police officials obtained her signatures on a blank paper forcefully which was later on used as her disclosure statement. It is submitted by learned counsel for the petitioner that there is no direct evidence even as to presume that the petitioner abetted Nirmal Singh @ Nikka (deceased) to commit suicide. It is further submitted that the petitioner is not involved in any other case.

5. Learned counsel for the petitioner submits that the petitioner is in custody for about 7 months; investigation in this case is complete, challan stands presented on 04.10.2023 and even charges have been framed on 20.11.2023 and out of total fifteen prosecution witnesses, no one has been examined till date. Hence, the conclusion of trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars. It is submitted that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

6. Per contra, learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of offences, however, while relying upon the status report dated 16.02.2024, it is not disputed that investigation in this case is complete, challan stands presented and charges have been framed on 20.11.2023 and also that the petitioner is in custody for about seven months in this case. It is also not disputed that out of total fifteen prosecution witnesses, no one has been examined by now. Learned State counsel further states that there is an apprehension that in the event of bail, the petitioner accused may abscond to delay the fair trial. Accordingly,

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prayer has been made for dismissal of the present petition.

7. I have heard learned counsel for the parties and perused the paper book as well as status report filed by learned State counsel.

8. Whether the petitioner abetted Nirmal Singh @ Nikka to commit suicide is debatable and would be decided only during the trial.

9. In the instant case, the petitioner is in custody for a period of about seven months; investigation in this case is complete, challan stands presented and even charges have been framed on 20.11.2023. Out of total fifteen prosecution witnesses, no one has been examined till date. Trial in the case is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

10. So far as the apprehension expressed by learned State counsel that the petitioner may abscond in order to delay the trial, suffice it to state that in the event of any such conduct, the prosecution can always approach the competent Court for cancellation of bail. Accordingly, it is observed that the State/Prosecuting Agency/State police shall be at liberty to observe the behaviour of the petitioner during the bail period, and in case it feels that the petitioner is indulging in influencing any of the witnesses or tampering with the prosecution evidence in any manner or otherwise causing interference with the progress of trial, it shall be open for the State/Prosecuting Agency/State police to move to the trial Court for cancellation of the bail, which shall be decided by the trial Court on merits.

11. In view of the above discussion, present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq

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Magistrate/Duty Magistrate concerned.

12. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.
13. The petition is accordingly disposed of.
14. All pending application(s), if any, shall also stand closed.

13.03.2024
Himani

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No