

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.8623 of 2024 (O&M)
Date of Decision: 02.04.2024**

Urmila

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Puneet Sharma, Advocate for the applicant/petitioner.
Mr. Vikram Singh, AAG, Haryana for the respondent.
Mr. Pardeep Solath, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-14069-2024

Application for placing on record counter to the Status Report dated 06.03.2024 along with Annexures P-13 to P-17 with further prayer seeking exemption from filing certified/true typed copies of the annexures.

For the reasons mentioned in the application, same is allowed subject to all just exceptions. Documents are taken on record. Registry will tag the same at appropriate place.

MAIN CASE

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) seeking bail pending trial to the petitioner in FIR No.207 dated 24.05.2019, under Sections 302, 120-B & 201 of the Indian Penal Code, 1860, (*for short 'IPC'*), registered at Police Station Azad Nagar, District Hissar.

(2) Status Report by way of an affidavit dated 06.03.2024 of Inspector Sandeep Kumar, SHO, Police Station Azad Nagar, Hisar, along with Annexures R-1 to R-4, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(3) Above FIR was registered on the basis of statement made by complainant-Dalip Singh with the allegations that petitioner along with other co-accused murdered his daughter-Suman by administering poison. Also alleged that accused conspired to murder the complainant as well as his son & nephew (Suresh Kumar) and contents of the FIR read as under:-

“(1) That I applicant Dalip Singh son of Hazari Singh resident of House No. 91 Navdeep Colony Hisar. I am a senior citizen. I am 75 years old and I am an Ex-serviceman. I am a responsible law abiding citizen. (2) I have two daughters and a son. The name of my elder daughter is Ranjna Kumari, name of my younger daughter is Suman and name of my son is Vidya Sagar Singh. My son is employed in Frero India Private Limited firm at Pune. My younger daughter Suman was married during the month of June 2003 to the abovementioned accused No. 1. The marriage was solemnized as per Hindu rites. This was an arranged marriage. During this marriage I had spent enough amount beyond my financial approach. We had given enough dowry to my daughter Suman. Out of this wedlock my daughter has a son Yashvir born on 01.03.2005. (3) That since last 4-5 years the accused No. 1 is harassing my daughter Suman Manchra. My daughter had

intimated us that the behaviour of her husband is changing. That he quarrels with the daughter of the applicant on trifle matters. We advised accused No. 1 and his family members many times. The house of my daughter Suman is around 30 metres away from my house. We used to visit their house from time to time and used to advise them not to quarrel. (4) The house where my daughter Suman was living with her husband, that house was built by me during the year 2008-09. The plot on which this house was built that plot was also donated by me to my daughter at the time of her marriage. (5) That Suresh Kumar is my first nephew. His father has passed away many years back. Since the death of his father Suresh Kumar lives with me. He was married to aforementioned accused No. 3 on 18.06.2006. (6) That my daughter Suman Machra was employed as a teacher at Thakur Bhargav Das Senior Secondary School Rajgarh Road Hisar since long. (7) Since last 2- 3 years Urmila/(accused) wife of my nephew started meeting accused No. 1 and they developed deep relationship. In this connection we many times had advised them, we had many time warned parents of accused No. 3 regarding illicit relationship between accused No. 1 and accused No. 3. They had also tried to advise accused No. 1 and accused No. 3 (8) That Accused No. 1 mobile phone No. 99917-01073 and accused No. mobile phone No. 85709-78463 accused No. mobile phone No. 90349-80407 they talk to each other through these mobile phone Nos. Accused No. 1 and accused No. 3 usually talk to each other through these mobile phone Nos. they had been advised many time but they did not deter. (9) That aforementioned accused No. 3 Urmila is employed as a Nurse at Primary Health Centre Nevli Kalan, she daily travel up and down from her house to attend her duty. Even after much advices accused No. 1 and accused No. 3 did not deter from meeting each other. Both the accused started enmity towards my family members and my daughter Suman Machra. (10) That on date 11.12.2018 accused No. 1 intimated me at 10:30 Hrs and requested me to reach there and see that something has happened to Suman Machra. I reached at their house and saw that my daughter Suman Machra was lying

unconscious on a bed. Her teeth were closed, froth was coming from her mouth and her whole body had stiffened. He asked me to take Suman to a hospital. I along with accused No. 1 and accused No. 3 took my daughter Suman to Sapra Hospital Defence Colony Hisar. There doctor saw my daughter and declared her dead. The doctor further intimated me that my daughter Suman had died 3-4 house earlier. I being an old aged person on seeing my daughter I got perplexed and I became semi-unconscious and I could not utter from my mouth. Accused No. 1, hurried took my daughter Suman to his ancestral village Bhatt District Fatehabad for her last rites. His family members cremated my daughter Suman. I and all of my family members were perplexed due to the untimely death of my daughter Suman. Her death caused a great loss to us. The abovementioned accused at that time did not make us to doubt whether it was a natural death or murder. (11) That after a few days of the death of my daughter these accused started going here and there and started evading to meet us. Our neighbours started doubting that the death of my daughter Suman was not a natural death rather it was a murder. That the abovementioned in connivance with each other had poisoned my daughter and killed her. I also started doubting the accused of foul play. I started collecting information from here and there. (12) My son Vidya Sagar came from Pune, he inserted pen drive in his laptop and made me to hear audio conversations. On hearing these conversations we were stunned. In that pen drive there is conversation of all the three accused. After hearing their conversation, it is clarified that my daughter Suman did not die a natural death rather these accused in connivance with each other planned a conspiracy and she was killed. It also transpires from the conversation that the accused are planning to kill me, my son Vidya Sagar and my nephew Suresh Kumar (husband of accused No. 3) some excerpts of this audio clipping are enclosed herewith, written in exhibit No. 1. It should be assumed as part of this application. (13) From the conversation in between the abovementioned accused we are sure that the abovementioned accused in connivance with each other had killed my daughter

Suman. Due to illicit relations between accused No. 1 and 3, all the abovementioned accused in connivance with each other had killed my daughter. Accused No. 2 is a very cunning rascal. He was already convicted and jailed. Hence I, my son and my nephew are under threat of our lives and materially also. The accused can go to any extent to harm us. It is requested that the impartial enquiry of the above case should be got conducted by some high ranking officer and through crime branch. A strict legal action should be taken against the above-mentioned accused.”

(4) Learned Counsel for the petitioner contends that alleged occurrence is stated to have happened on 11.12.2018; whereas present FIR was registered on 24.05.2019 i.e. after a delay of more than five months. Also contends that present FIR is counter-blast to FIR No.214 dated 28.05.2019 (P-2), which was registered on the basis of complaint dated 18.05.2019 made by petitioner (prior to registration of present case i.e. FIR No.207 dated 24.05.2019), whereby she had been sexually exploited and raped by the complainant as well as her *Devar*-Ashok Kumar & Jeth-Vidya Sagar. Further contends that in the said FIR, petitioner specifically alleged that complainant molested her minor daughter also. Again contends that at the time of alleged occurrence, complainant was having no doubt of any foul play regarding the death of his daughter; nor any post-mortem was conducted of her dead body; thus, the FIR is based on completely concocted story. Lastly contends that complainant was present at the time of cremation of his daughter and moreover, during investigation, no incriminating material regarding the complicity of petitioner has been found by the police.

(5) *Per contra*, learned State Counsel, while opposing the prayer of petitioner, submitted that petitioner in connivance with other co-accused

conspired to murder Suman and which is evident from the FSL report, wherein voice samples of all three accused are stated to be of probable matching. Also submitted that from disclosure of main accused-Parmod Kumar, the role of petitioner is quite apparent and both of them have been charged by learned trial Court under Sections 120-B, 302 & 201, IPC on 05.01.2024. Lastly submitted that after dismissal of pre-arrest bail of third accused-Ravinder Machra @ Manu by this Court vide order dated 21.11.2023, he has been arrested on 02.02.2024 and investigation against him is still pending; hence, in case petitioner is released on bail, she shall hamper the trial.

(6) Learned Counsel for the complainant also vehemently opposed the prayer of petitioner and submits that immediately after 04 days, as a counter-blast and just to put pressure, an FIR No.214 dated 28.05.2019, under Sections 354-A, 376(2)(n), 376(2)(f), 452, 506 read with Section 34 of the IPC, Police Station Azad Nagar, District Hisar was registered against the complainant at the instance of petitioner. Also submits that two other FIRs i.e. FIR No.362 dated 28.06.2019, under Sections 323, 34, 341, 506 IPC, Police Station Sadar, Hisar & FIR No.244 dated 06.04.2021, under Sections 307, 34, IPC and Section 25 of the Arms Act, Police Station Sadar, Hisar were registered by present petitioner against the complainant; but after investigation, cancellation reports were submitted in all three cases by the police. Further submits that delay in registration of the present FIR was due to misconception of facts, which have already been explained in the version of complainant. Again submits that petitioner is very much involved in committing the alleged murder of complainant's daughter; therefore, she does not deserve the concession of bail pending trial.

(7) Heard learned Counsel for the parties and perused the paper-book.

(8) It is not in dispute that present petitioner as well as her co-accused-Parmod Kumar have been charged under Sections 120-B, 302 & 201, IPC by learned Special Court for heinous crime against women on 05.01.2024 and third accused, namely, Ravinder was arrested on 02.02.2024.

During the course of hearing, it was acknowledged by both sides that investigation qua accused Ravinder is still going on. Apart that, Pen Drive was sent to Forensic Science Laboratory, Madhuban and FSL report dated 10.09.2020 has been received, which clearly indicates the voice samples of all three accused, namely, Ravinder, Parmod & Urmila (petitioner) being probable matching. For reference, relevant part of the FSL report is extracted as under:-

“LABORATORY EXAMINATION

The utterance stated to be spoken by speakers Ravinder, Pramod and Urmila (petitioner) are marked Q1(A), Q1(B) and Q1(C) were segregated from CD-R marked exhibit-Q1.

*On the basis of auditory and spectrographic examination of questioned voice sample marked Q1(A), Q1(B) and Q1(C) with the specimen voice samples of Ravinder, Pramod and Urmila marked S1(A), S2(B) and S3(C) using multi speech software. **It is has been observed that voice marked Q1(A), Q1(B) and Q1(C) are the probable voice of same person i.e. Ravinder, Pramod and Urmila whose specimen voice are marked S1(A) (Ravinder), S2(B) (Pramod) and S3(C) (Urmila) respectively in respect of available 'acoustic' and other 'linguistic & phonetic' features.**”*

It has also come on record that present petitioner lodged three FIRs against the complainant; but after investigation, police did not find any substance in the allegations and ultimately, recommended for cancellation of all three FIRs. Thus, *prima facie*, it appears that petitioner is misusing the

process of law as a pressure tactics upon the complainant to wriggle out from the ongoing prosecution in murder case pending against her.

Above all, there is an apprehension that in case petitioner is granted bail, she may hamper the trial.

(9) In view of the above discussions and keeping in view the gravity of charges framed against the petitioner, this Court is not inclined to grant her bail pending trial “at this stage”.

Consequently, there is no option except to dismiss the petition.

(10) Ordered accordingly.

(11) Needless to say that the observations made above shall not be construed as an expression of opinion on merits of the controversy in any manner.

(12) Pending application(s), if any, shall also stand disposed off.

2nd April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes