



CRM-M-13737-2024

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

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CRM-M-13737-2024(O&M)
Date of Decision : May 13, 2024

KAJAL

.....Petitioner

VERSUS

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Varun Veer Chauhan, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Nikhil Vats, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)**CRM-18885-2024**

1. The application is allowed. *Zimni orders* are taken on record.

Main case

2. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.22 dated 10.2.2024, under Sections 306 and 506/34 IPC, registered at Police Station Badhra, District Charkhi Dadri.

3. The instant FIR has been registered on the dying declaration suffered by deceased-Deepak, wherein, he stated as under:-

“Statement of Deepak s/o Dalbir, r/o Jeetpura,



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aged 21 years, Mob. No.9306422656 has stated that I am a resident of the above mentioned address, that there is case registered against me which has been registered by Dashanad r/o Jeetpura of our village who has alleged against me that Dashanand will kill me, that brother of Dashanand Bijendra and daughter of Dashanand when I was standing near my house then Kajal and Dipika had given threat to me, that I have consumed sulfas tablets in their pressure. Legal action should be taken against them.”

4. On the basis of the statement suffered by the deceased, the petitioner was arrested on 11.2.2024 and since then she is behind the bars.

5. Learned counsel for the petitioner submits that the petitioner, who is a young college going girl of 20 years, has suffered incarceration of approximately 3 months, in a case where, from the bare perusal of the allegations, the penal provision of Section 306 IPC, are not attracted. He further submits that the only allegation against the present petitioner is that she has extended threats to the deceased to kill him, which cannot be at all considered to be an abetment on the part of the petitioner. He further submits that the act of the petitioner cannot be considered as instigation, which could fall within the ambit of the abetment.

6. The learned State counsel has opposed the grant of regular bail to the petitioner. He submits that the petitioner's father and her sister has registered a false case against the deceased, which led the deceased to commit suicide. He further submits that an FIR No.247 dated 26.8.2022, under Section 12 of POCSO Act and 3 of of the Scheduled Castes and

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Scheduled Tribes (Prevention of Atrocities) Act read with Sections 354D and 506 IPC, at Police Station Badhra, in which only the final report *qua* the deceased has been filed and he was facing trial and there is one more case subsequently registered which is just two months prior to the incident, by the minor sister of the petitioner and FIR No.19 dated 6.2.2024, under Sections 506/34 IPC and under SC/ST Act, has been registered, however, after conducting the investigation, the prosecution agency found the case to be false and a cancellation report was submitted before the learned Illaqa Magistrate concerned on 16.2.2024.

7. Learned counsel for the father of the deceased submits that infact the petitioner and her family is habitual in planing false cases against the innocent people and extracting money from them.

8. Be that as it may, this Court has considered the allegations against the petitioner, which are only extending threats to the deceased to kill him, which *prima facie* do not attract the provisions of Section 306 IPC. Whether, the cases registered by the father and the younger sister of the petitioner are false or not, it would be a moot question of trial and whether, such registration of false case led the deceased to commit suicide is also to be adjudicated by the learned trial Court concerned after adduction of evidence by the prosecution. However, considering the fact that the petitioner is young college going girl of 20 years of age and has suffered incarceration of about 3 months and is not involved in any other criminal case and the fact that the charges are yet to be framed in the instant case and in the final report the prosecution has cited 22 witnesses,

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therefore, the conclusion of the trial would take a long time, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

May 13, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No