



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

220

CRM-M-23004-2024Date of Decision : **July 09, 2024**

REENA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

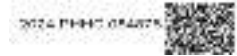
Mr. Sahil R.Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.194 dated 23.06.2023, Under Sections 306 IPC, registered at Police Station Dera Bassi, District Mohali (SAS Nagar).

2. The petitioner, who is having two minor children, has approached this Court for the grant of regular bail in the FIR (supra) on the ground that it is a case of false implication.

3. Learned counsel for the petitioner submits that the allegation as alleged in the FIR does not attract the provisions of Section 306 IPC. He further submits that the petitioner has earlier registered an FIR No.85 dated 28.10.2022 under Section 67-A of the I.T. Act, and under Sections

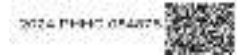


384, 506, 509 of IPC, against the deceased Vishal @ Amit at Women Cell, Panchkula in which he was arrested, and was later on released on regular bail. He further submits that taking legal course for the offence committed against her is not a crime, and till date it is nowhere established that the case which was registered by the petitioner is a false case. He also submits that there is no call details with the prosecution to connect the petitioner with the present crime. He also submits that the petitioner has suffered incarceration for about more than 1 year as on today and the trial is yet to be concluded.

4. On the other hand, the learned State counsel has opposed the grant of regular bail to the petitioner, and submits that the petitioner is the sole accused, who instigated deceased Vishal on the pretext of demanding Rs. 10,00,000/- for withdrawing the allegations as levelled by the petitioner against the deceased Vishal, by lodging the FIR No.85 dated 28.10.2022. He further submits that out of total 14 witnesses cited by the prosecution, two witnesses have already been examined. The custody certificate qua the petitioner has also been placed on record today in the Court. As per the custody certificate, the petitioner has suffered incarceration for about one year and fourteen days and she is not involved in any other case.

5. The prosecution agency set into motion on a statement made by one Nitin. The said statement reads as under:-

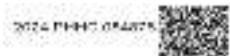
*"Statement of Nitin son of Naresh Kumar
Resident of House No. 414. Street No. 8. Gulabgarh Road.*



Police Station Derabassi, District SAS Nagar, Age about 24 years. Mobile No. 98729-91608, stated that I am a resident of the said address and working in private Company. We are 03 brothers; eldest sister is married to Paramjit Singh resident of house number 416, Darpan City Khrar District SAS Nagar Elder brother Vishal alias Amit age about 26 years who used to work in a tea shop with my father Naresh Kumar. My brother Vishal alias Amit's friendship was with Reena Rani age about 35 years wife Rajesh Kumar resident of village Garhi Kotaha, police station Raipur. District Panchkula (Haryana) from about last 3-4 years ago that Reena Rani is already married, my brother and Reena Rani were very close to each other. With whom my brother was in a relationship, then Reena Rani registered a Case No. FIR 85 dated 28.10.2022 u/d 67-A IT Act and 384, 506, 509 IPC was. registered against my brother Vishal alias Amit at Police Station Women Cell, Panchkula (Haryana). My brother Vishal alias Amit was released from Ambala jail on bail in the said case about 15-20 days ago. As soon as she came out, Reena Rani was demanding 10 lakh rupees from my brother Visal alias Amit through phone calls and WhatsApp calls to compromise in the said case and was forcing him by calling to get the money. Regarding which 4-5 days ago my brother Vishal @ Amit told me and brother-in-law Paramjit Singh that the said Reena Rani has harassed me very much and says that if you don't give me 10 lakh rupees then I will also get your bail canceled and the family will also be locked up in jail. I have suffered a lot from this and one day I have to end my life by eating some poisonous substance due to this. I and my brother-in-law explained to him a lot that you should not take any such step, every issue gets resolved. Who gave us medicine to not do that But yesterday on 22.06.2023 the said Reena Rani called my brother to meet him at Civil Hospital, Sector-6, Panchkula (Haryana). Where he forced my brother by threatening again that if you want to cancel

the case registered against you, then give me 10 lakh rupees. I will cancel your bail and lock you in jail again. My brother had returned home very distressed and had eaten selfas as soon as he came home. Due to which his health became very bad, we immediately brought him for treatment at Civil Hospital Derabassi, from where he was referred to GMCH, Sector-32, Chandigarh due to his critical condition. Which my brother told me the entire conversation with Reena Rani, where he died early this morning during treatment. My brother made an audio recording and a video of his death in his phone before he died and held Reena Rani responsible for his death. Reena Rani is responsible for the death of my brother Vishal alias Amit.

6. This Court has examined the issue as raised by the learned counsel for the petitioner, and prima facie is of view that the present petitioner deserves to be released on regular bail on the ground that she is a women, and having two minor children, and whether, the allegations as alleged in the FIR, attract the provisions of Section 306 IPC, is a moot question, which is to be adjudicated by the learned Trial Court concerned, at an appropriate stage. Further the petitioner has suffered incarceration for about one year and fourteen days as on today, and only two witnesses have been examined out of 14 as cited by the prosecution. Since the trial is at initial stage and the conclusion of the trial would take long time, further incarceration of the petitioner in the given circumstances is not warranted, therefore, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed.**



7. 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.

8. 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.

July 09, 2024
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(KULDEEP TIWARI)
JUDGE

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