



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113+215

CRM-23338-2024 in/and
CRM-M-24487-2024 (O&M)
Date of decision: September 9th, 2024

Sita Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karan Dargan, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-23338-2024

Prayer in this application is for placing on record copy of
complaint as Annexure A-1.

Application is allowed subject to just exceptions.

Annexure A-1 is taken on record.

CRM-M-24487-2024

Petitioner is seeking the concession of bail under Section
439 of the Code of Criminal Procedure, 1973 in case FIR No.21 dated
30.03.2024 under Sections 306, 120-B, 506 of the IPC registered at
Police Station Arniwala, Tehsil Jalalabd West, District Fazilka.

2. Learned counsel for the petitioner submits that it is matter
of record that on 22.03.2024, an FIR under Sections 376-D, 342, 506 of
the IPC was registered at the instance of the petitioner against the
deceased and three others. Learned counsel has submitted that
subsequently, the deceased committed suicide on 29.03.2024, however,

there was no suicide note left behind by him much less accusing the petitioner of abetting his suicide. Learned counsel has submitted that in the FIR, which has been registered against the deceased and other accused at the instance of the petitioner, there were serious and specific allegations levelled against the deceased and a perusal of the said FIR, which has been annexed as Annexure P-2 reveals that the petitioner, after escaping from the clutches of all the accused including the deceased, had also got herself medico legally examined at Civil Hospital, Jalalabad, which lends credence to the allegations levelled by her in the said FIR that her person had been violated by the deceased and the other accused. Learned counsel has submitted that assuming for the sake of arguments, though not conceded, that deceased indeed committed suicide on account of the registration of the FIR under Section 376-D, 342, 506 of the IPC, it would not attract the mischief of offence under Section 306 of the IPC. Learned counsel has further argued that after the petitioner was arrested on 01.04.2024, not only had the challan been presented but even charges framed, however, none of the 15 witnesses cited by the prosecution had been examined so far. Hence, there was no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, and stands reproduced hereinunder:-

*“Statement of Aneesha Rani w/o Ajay Kumar
s/o Satbir Singh r/o Gandhi nagar near Burai School
Jalalabad, aged about 27 years old. Mob. 82645 70274,
states that I reside at the above-mentioned address and
do household work. I D got married to Ajay Kumar*

around 7 years ago and out of the wedlock I have two daughters. My husband used to have a shop of ready-made cloths at Jalalabad. That Swaran Singh alias Sandy was employed on that shop of husband by my husband from last 1 year. During his employment he stole some of the things from the shop and we confronted him about the about the things he stole and about the money, he started to threaten my husband. That on 22.03.2024 Swaran Singh alias Sandy through his wife Sita Rani got a FIR no. 44 dated 22.03.2024 u/s 376-D, 342, 506 registered against my husband at Sadar Police Station Jalalabad. Due to which my husband got more stressed. On 29.03.2024 my husband video called me on my number 75087 85698 and told me that Sita Rani w/o Swaran Singh alias Sandy, Swaran Singh alias Sandy s/o Hardev Amrik Singh alias Rinku s/o Guriya Singh, Mandeep Singh s/o unknown R/o Gandhi Nagar near Burai School Jalalabad are harassing me, due to which I am stressed and I am going to kill myself. After that I tried to convince my husband but he did not picked up my call and I told this to my relatives after which we all went for his search. That the car bearing registration number DL 6CL. 8589 was found on link road towards Ghatiya Wala. When we searched the near by area along with the canal we found his. dead body hanging from a Kikkar Tree. He hanged himself with rope tied to a tree. That my husband took his life due to atrocities done by Sita Rani w/o Swaran Singh alias Sandy, Swaran Singh alias Sandy s/o Hardev Singh, Amrik Singh alias Rinku s/o Guriya Singh, Mandeep Singh s/o unknown R/o Gandhi Nagar near Burai School Jalalabad and with prior conspiracy they also lodged a frivolous FIR against my husband. Legal action should be taken against them.”

4. Learned State counsel has, however, not been able to dispute the stage of the trial and has submitted, on instructions, that the next date fixed before the trial Court is 27.09.2024 when the prosecution evidence is likely to commence.
5. I have heard learned counsel for the parties and perused the material placed on record.
6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 9th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No