



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28957 of 2024
Reserved on: 13.08.2024
Pronounced on: 30.08.2024

Poonam Devi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
53	14.05.2024	Nangal, District Rupnagar	347, 306 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. As per paragraph 12 of the bail application and the reply, the accused has the following criminal antecedents, however she has been acquitted in this case:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	77	26.05.2021	Under Section 306 IPC (acquitted)	Nangal

3. The facts and allegations are being taken from the FIR annexed by the petitioner, and it's relevant portion reads as follows:

"My husband Harvinder Singh aged about 55 years was working in BBMB department, My husband Harvinder Singh had friendly relations with Poonam resident of house number 320/321 EB Block Nangal, who often took money from my husband, as my husband Harvinder Singh had received his salary and there was money in his bank account, Poonam was demanding money from my husband, so on 09-05-2024 at around 10-30 PM, Poonam on her scooty No. PB-748-8296, took my husband somewhere to get money, but till now my husband



has not returned home, to which I had informed about this to my relatives and trying to search him till now but we are unable to find him, on which we come to know that the above number scooter of Poonam has been found at Main Market Nangal, but my husband Harvinder Singh has not returned home. I am sure that Poonam R/o HNO 320/321 EB block Nangal alongwith her family members and other persons detained my husband at somewhere to get money from him by illegal means. In this regard I have written my statement which I have read and heard, and appropriate legal action should be taken. Sd/ Santosh Kumari 9501168585 d/- Susuil Kumar verified Sd/- Keshaw Kumar ASI PS Nangal 14.05.2024."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"5. That pursuant to the registration of case/FIR No. 53 (supra), a statement has been suffered by the complaint against the present petitioner on the allegation that the husband of the complainant namely Harwinder Singh, who was working in BBMB Nangal, was having friendly relations with Poonam devi (Present Petitioner) resident of House No. 320/321, EB Block Nangal, Ward No.3 Nangal, District Rupnagar. Poonam used to get money from her husband and she was asking him to pay money to her on 09.05.2024 at about 10:30 PM. Poonam took her husband to somewhere on her scooter bearing No.PB-74B-8296 for getting the money from him, her husband did not come back.

6. That the Complainant along with her relative started searching her husband but now she came to know that the Scooter of Present petitioner has been recovered from Bus Stand adda market market, Nangal. Her husband did not come back and she is fully confident that Poonam in connivance with her family members and other persons kept concealed her husband Harwinder Singh at some unknown place wrongly and illegally. Thereafter the dead body of Harwinder Singh was found from Old Canal, Ganguwal Power House on 17.05.2024 and complainant Santosh Kumari suffered a supplementary statement on 17.05.2024 in which she has alleged that she is fully confident that Present petitioner and her daughter Nitasha along with one Ikra daughter of Mohammad Ezaz by hatching a criminal conspiracy with each other kept concealed her husband Harwinder Singh at some unknown place and when they failed to recover the money from Harwinder Singh, they compelled him to commit suicide.

7. That Originally the FIR was registered under Section 347 IPC against Present petitioner only and later on offence under Section 306, 34 IPC was added against

present petitioner and her daughter Nitasha has also been implicated in the present case along with Ikara.”

7. The allegations are general; at this stage, there is no specific allegation or evidence of sextortion against the petitioner.
8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	
11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
13. A certified copy of this order would not be needed for furnishing bonds, and any

Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.