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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(103)

CRM-M-30021-2024

Date of decision: - 18.06.2024

Kirti Garg

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Raj Kumar Singh, Advocate, and  
Mr. Shivendra Pratap, Advocate  
for the petitioner.

Mr. Sharan Sethi, Additional Advocate General, Haryana.

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VIKAS BAHL, J. (ORAL)

1. This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.379 dated 10.05.2024, under Sections 302, 201 and 34 IPC, registered at Police Station Camp Palwal, District Palwal, Haryana.

2. FIR in the present case was registered on 10.05.2024 on the allegations that SI P. Jeewan was deputed to Delhi to search the missing lady, namely, Neha Devi, who was resident of Port Blair by the Superintendent of Police, vide Order Book No.852 dated 03.05.2024, after a letter was received from Naresh Chand, who is the brother of Neha Devi, in which, it was stated that on 21.03.2024, Neha Devi along with her 07 years old daughter Rakshana Roy had left for Delhi to meet Rahul Gupta (co-accused and husband of the petitioner) and on 25.03.2024

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family members of Neha Devi had talked with her on phone for the last time and since then her phone was switched off and on 30.03.2024, daughter of Neha had talked with her family members from Rahul Gupta's phone and the said Rahul Gupta had told them that Neha was sleeping and thereafter, from 31.03.2024, even Rahul Gupta's phone was switched off. Thereafter on 06.04.2024, a lady by the name Veena Garg had reported at Police Station Sangam Vihar, South Delhi with the missing child Rakshana Roy and had informed the police that she was the mother-in-law of Rahul Gupta and the said Rahul Gupta had left with Neha Devi and left the child Rakshana Roy with her and thereafter, on 08.04.2024 the child Rakshana Roy, who was the daughter of Neha Devi was produced before the Child Welfare Committee (District South), Delhi and the case was thereafter transferred to CWC, Port Blair and the said Rakshana Roy had disclosed the fact that the present petitioner along with Rahul Gupta, Neha Devi, mother-in-law of Rahul Gupta and the child had left in a car and after some hours, the petitioner and Rahul Gupta got into heated arguments with Neha Devi and manhandled her and caused injuries to the said Neha Devi and thereafter, lifted Neha Devi out of the car and threw in a drain. It is further stated in the FIR that the facts and circumstances which have been mentioned by the said Rakshana Roy were verified and on further inquiry, it was found that an unidentified female dead body was found in a canal on 28.03.2024 under the jurisdiction of Police Station Camp Palwal, which is at close proximity to the residence of Rahul Gupta and from the tattoo marks and wearing apparels found on body, it was concluded that the dead body was of the

missing lady Neha Devi, resident of Port Blair and as per her autopsy report, she had suffered anti-mortem injuries on head and other parts of the body and the cause of death in the said case was stated to be a head injury. On the basis of the said allegations, the present FIR was registered against Rahul Gupta and the present petitioner.

3. A perusal of the order dated 30.05.2024, vide which the anticipatory bail application filed by the petitioner was dismissed, would show that it was further observed therein that as per the version of the prosecution, the fatal injury was caused by the present petitioner and the same was supported by the statement of the minor child, who was the eye witness of the occurrence and was also present in the car in which the occurrence took place.

4. Learned counsel for the petitioner has submitted that the petitioner deserves the concession of anticipatory bail as the FIR has been registered after a period of 1½ months, inasmuch as, the incident is stated to be of 25.03.2024, whereas, the FIR has been registered on 10.05.2024. It is further stated that the FIR has been registered primarily on the basis of the statement of a child, who is only 07 years of age and it cannot be said that the child had a reasonable understanding to be able to state all the facts correctly. It is further submitted that the petitioner has a five months old child and she is even required to take care of the said child and in case the petitioner is arrested, the same would also deprive the said minor child of the motherly love.

5. This Court has heard learned counsel for the parties and has gone through the paper-book and finds that the present petition is

meritless and deserves to be dismissed.

6. A perusal of the FIR as well as the order dated 30.05.2024, vide which the bail application of the petitioner has been dismissed, would show that there are serious allegations made against the petitioner and it is the case of the prosecution that the minor child of the deceased Neha Devi was an eye witness of the occurrence, inasmuch as, the said minor child was present in the car in which the incident had taken place and as per the statement of the said eye witness, the petitioner along with Rahul Gupta had caused injuries to the deceased on account of the heated argument that had taken place and also had thrown away her body into a canal. There is nothing on record at present to suggest as to why the minor child would falsely implicate the petitioner or Rahul Gupta. From the facts, it is apparent that it is only after the police had started searching for Neha Devi, who was a resident of Port Blair that ultimately it was found that the present petitioner was also involved in the alleged occurrence. The child was also handed over to the police on 06.04.2024 and the statement of the said child was recorded on 08.04.2024 and thus, the plea raised by the petitioner that there was delay in registration of the FIR would not further the case of the present petitioner for the purpose of consideration on the grant of anticipatory bail. A perusal of the FIR reveals that the autopsy report had shown that there were anti-mortem injuries on head and other parts of the body suffered by the deceased and the cause of death was stated to be a head injury and that there is material on record to show that the petitioner had also caused injuries to the deceased. The factors which have been highlighted by the learned counsel

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for the petitioner do not entitle the petitioner for grant of anticipatory bail.

7. Keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail and thus, the present petition is dismissed.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present petition.

June 18, 2024  
naresh.k

( VIKAS BAHL )  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes  
Yes