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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.31574 of 2024
Date of decision: 05.08.2024

Beant Kaur ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Vijay Singh Chugh, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

Ms. Navneet Kaur Waraich, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The prayer in this petition has been made for grant of pre arrest bail in case arising out of FIR No.60 dated 29.05.2024 registered under Sections 427 and 436 of IPC at Police Station Maur, District Bahinda, on the basis of a written complaint submitted by the complainant Gurdeep Singh alleging therein that he was posted in Army and used to live with his family members at the place of his posting. The air conditioner and

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electricity pipe installed in the room of his house had been set ablaze by the petitioner who is his sister-in-law, from the roof of their house. He also alleged that he had come to know about this fact from the CCTV footage of the camera installed in his house. After registration of FIR, investigation proceedings have been initiated. It was revealed that there were disputes between the present petitioner and her husband Nirpal Singh. On 03.05.2024, a letter was issued to Fire Officer, Maur Mandi as a fire had broken out in the air conditioner and electricity pipe of the room of the complainant and at that time the petitioner along with her small child was sleeping in the adjacent room. As no concrete evidence could be brought forward by the complainant against the petitioner hence, initially FIR was registered against unknown person. On 02.06.2024, a general diary entry was made thereby nominating the petitioner as an accused. Apprehending her arrest, the petitioner moved application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Bathinda.

2. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that her husband Nirpal Singh is having illicit relations with some woman and used to treat her with cruelty on the instigation of the complainant and his mother. She got registered a DDR No.34 dated 15.12.2021 against the complainant, her husband and other members of her in-laws family but had not pressed upon the same to maintain her peace in her matrimonial house. She has

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been living therein along with her minor son and the complainant was also residing in the same house by raising a wall in between their house. It is argued that just one day prior to the occurrence, the complainant had left his house for joining his place of posting by handing over keys of the house to his neighbourer and it was the petitioner herself who on noticing some smoke coming out of the house of the complainant had intimated this fact to the neighbourer. The subject offence had not been committed by her. The fire apparently broke out due to some short circuit and it was not possible for her to set the air conditioner on fire through the electricity pipe. Her custodial interrogation is not required. She is ready to join the investigation. No purpose would be served by detaining her in custody. Therefore, it is urged that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner since on the basis of a CCTV footage from the camera installed in the house of the complainant, the petitioner was seen running on the roof and this showed that it was she who had set the air conditioner on fire through the electricity pipe installed on the roof. The actual reason behind the fire is yet to be ascertained and for that purpose, the custodial interrogation of the petitioner is required. Accordingly, it is urged that the petition does not deserve to be allowed.

4. I have heard learned counsel for the petitioner and learned

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State counsel assisted by learned counsel for the complainant and have gone through the record.

5. The petitioner is alleged to have committed mischief by fire intending to cause or by knowing it to be likely that she would thereby cause the destruction of the property of the articles kept in and the house/room of the complainant. She has been nominated as accused on the basis of a CCTV footage of the camera installed in the house of the complainant wherein the petitioner also resides. The complaint in this case was moved on 28.04.2024 and the FIR was registered on 29.05.2024. As per the police report, the report of fire expert has been sought but it has not been received so far. The complainant's counsel has shown from his mobile CCTV footage of camera installed in his premises through a pen drive and a perusal of the same shows the petitioner while running on the roof in a perplexed condition. However, from this, no inference can be drawn at this stage that it was she who had set the electricity pipe and air conditioner installed in the room of the complainant ablaze especially when she was sleeping along with her minor child in the very next room in the same house. In my considered opinion, the custodial interrogation of the petitioner is not required since as per the status report itself, it is the opinion of fire expert that is desired to ascertain the actual reason and cause of fire. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed subject to the condition that

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the petitioner will surrender before the Investigating Officer/Arresting Officer of the case within a period of one week and subject to her joining investigation. It is further ordered that on her surrender, the Investigating Officer/Arresting Officer shall admit her to interim bail on her furnishing personal/surety bonds as to his/her satisfaction. It is also ordered that the petitioner shall also join investigation as and when required subsequently and shall comply with the usual terms and conditions as envisaged under Section 438 (2) of Cr.P.C.

05.08.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No