



217

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

CRM-M-49424-2024**Date of Decision: 15.10.2024**

Rajesh Kumari

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. D.S.Matya, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.
Mr. Arav Gupta, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to her in case FIR No.342 dated 16.08.2024, registered under Sections 103(1) of B.N.S. (Section 103(1) BNS deleted and Section 105 of B.N.S. added during the course of investigation), at Police Station Narnaund, District Hansi, Hisar.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered at the instance of Sakshi, daughter of the petitioner as well as Ram Mehar, deceased. Even as per the allegations levelled by the complainant, Ram Mehar, deceased had come home under the influence of liquor and had mercilessly beaten up his own son, aged about 13 years. Learned counsel for the petitioner has referred to the photographs of Gaurav and Antim, sons of the deceased as well as the petitioner, which would show that the deceased has caused injuries to his own children in an inhumane and barbaric manner. Learned counsel further contends that the petitioner had requested



Ram Mehar not to cause injuries to the minor children under the influence of drugs and liquor, but he did not stop. Ultimately, in order to defend herself and minor children from being beaten up mercilessly, the petitioner and other persons had caused injuries to Ram Mehar. He further contends that Ram Mehar was a habitual offender and was alcoholic since first day of the marriage and was inflicting extreme torture on the petitioner and her minor children. Even he had an evil eye on his own daughters and used to touch them inappropriately and used to bite them on their cheeks and neck under the influence of alcohol. The petitioner also got Ram Mehar admitted in a Rehabilitation Centre, but his condition did not improve and he continued with the same behaviour. Learned counsel further contends that even the petitioner and other villagers had moved various representations for seeking fair investigation in the present case, but the requests had fallen on deaf ears. Apart from that, he has also referred to the Medical Record (Annexure P-4) to contend that the petitioner is suffering from breast cancer and there is no one in the family to take care of her.

3. On the other hand, reply by way of an affidavit of Deputy Superintendent of Police, Narnaund, District Hisar has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had mercilessly beaten up Ram Mehar and had caused multiple injuries to him. Thus, she does not deserve the concession of bail by this Court.

4. Learned counsel for the complainant also fairly assisted the Court and submitted that even though the allegations have been levelled against the petitioner, but the minor children were subjected to extreme torture and harassment by Ram Mehar, since deceased. Even he was having evil eyes on his own daughters and had beaten up the minor children. He has no serious objections in case the present petition is allowed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. Even though, the allegations leveled against the present petitioner point towards the seriousness of the charge, however, it is also apparent from the photographs (Annexure P-2) that the minor children of the petitioner as well as Ram Mehar were subjected to extreme physical torture by Ram Mehar. It is also apparent from the record that Ram Mehar was admitted in Rehabilitation Centre i.e. Umang Foundation, but he did not improve his behaviour. Whether the injuries were caused by the petitioner intentionally or in order to save her minor children at the hands of Ram Mehar, deceased is a subject matter of trial before the trial Court. However, in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required at this stage.

7. Thus, without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

(N.S.SHEKHAWAT)
JUDGE

15.10.2024.

hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No