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IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-61530-2023

Date of decision: 1st May, 2024

Palak

...

Petitioner(s)

Versus

State of Punjab

...

Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:

Mr. Jakhal, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Mr. Manuj Nagrath, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case arising out of FIR No. 148 dated 14.12.2022 initially registered under Section 498-A of IPC at Police Station Lakho Ke Behram, Tehsil and District Ferozepur and offence under Section 307 of IPC having been added later on, on the basis of DDR No. 45 dated 20.10.2023.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Nancy Rani alleging therein that on 08.12.2022 at about 8-9 PM, her sister-in-law (*jethani*) Seema Rani who was residing in the neighbourhood, called the complainant to her house. Her husband and son were already present there. At that time, she was not feeling well and when her husband told her to hold their seven months' old son and she requested him to not to do so as due to her high blood pressure, she was

not able to hold him, her husband felt offended and started extending beatings to her. He threw her on the bed, sat over her and tried to strangulate her. Even her brother-in-law (*jeth*) Surinder Singh and his wife Seema Rani also extended beatings to her. She further alleged that the present petitioner Palak Rani who is her sister-in-law (*devrani*) and her husband Parwinder Singh (*devar*) also reached there in the meanwhile and threw her out of the house of her sister-in-law. She made a call to her father to narrate the incident to him. Her phone was snatched by her husband and she was extended beatings by other members of her in-laws family. She alleged that she was being harassed by her in-laws family on account of demand of dowry and her husband had told her to not to return her matrimonial house until the demand of motorcycle and gold was not fulfilled. She further alleged that on 09.12.2022 also, the present petitioner, her husband and other members of her in-laws family extended beatings to her and her husband tried to administer some poisonous substance to her due to which she had started vomiting and the petitioner-Palak (sister-in-law) had made call to her father. Initially, a case under Section 498-A of IPC was registered. Subsequently, on 20.12.2023, offence under Section 307 of IPC was also added. The investigation is under way.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case on the basis of false and frivolous allegations. Infact, there was matrimonial discord between the complainant and her husband and their relations were on the verge of breaking down. Several times Panchayats

were convened to reconcile their disputes but the same had proved futile. The marriage of the petitioner with the brother-in-law(*devar*) of the complainant had been solemnized on 03.09.2021. She had never harassed her or extended any beatings to her. No injury or any specific overt act has been attributed to the petitioner. Her custodial interrogation is not required. She is ready to join the investigation. No case for commission of offences punishable under Sections 498-A and 307 of IPC had been made out against her. Therefore, it is argued that the petition filed by her deserves to be allowed.

4. It will not be out of place to mention here that vide order dated 07.02.2024, she was directed to join investigation and as per the learned State counsel, she joined the same on 12.12.2023 and her custodial interrogation is not required.

5. On the other hand, learned counsel for the complainant has argued that there are serious allegations against the petitioner. The complainant had been harassed by the petitioner, her husband and other members of her in-laws family since long. He has drawn the attention of this Court to Annexure R-1 to R-3 showing that previously on 07.10.2021 also, the complainant had lodged a complaint against her husband and other members of her in-laws family and was even medically examined as she had sustained injuries at their hands. It is submitted that the custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. There is no extra ordinary circumstance has been made out for extending benefit of pre-arrest bail to her. Therefore, it is urged

that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel assisted by learned counsel for the complainant at considerable length and have gone through the record carefully.

7. On a perusal of contents of the allegations as levelled in the FIR, it comes out that the allegations as to raising demand of money and consequent harassment of the complainant on account of non-fulfillment of those demands have been attributed to her husband and parents in-law and not to the present petitioner who is sister-in-law of the complainant. No such specific overt act which amounted to making an attempt by the petitioner for committing murder of the complainant has been attributed to her, nor it is made out from the allegations as levelled in the FIR. As she has already joined the investigation and her custodial interrogation is not required, her detention in custody would not serve any useful purpose.

8. In view of the discussion so made, the present petition is allowed and the order dated 07.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

1st May, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No