

CRM-M-64152-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-64152-2023

Date of decision : April 15, 2024

Asha Rani @ Asha Chhillar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Chanderhas Yadav, Advocate, for the petitioner
Mr. Abhinash Jain, DAG, Haryana

KULDEEP TIWARI, J. (ORAL)

1. On 20.12.2023, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.332 dated 28.12.2021, under Sections 306/34 of the IPC, registered at Police Station Line Par Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that this is an unfortunate case where the tenant of the petitioner committed suicide after levelling allegations against co-accused-Vijay Olan. The gist of the allegations against the main accused was that, he trapped the deceased in a committee system, whereby, he was depositing the amount to tune of Rs.10 lakhs with him, and thereafter, he refused to return that amount, which caused financial constraint to the deceased. In suicide note, the deceased also levelled allegations against the present petitioner for causing harassment to the deceased for demanding money from him.

Learned counsel for the petitioner submits that there is no iota of evidence which can attract the provision of Section 107 of the IPC, therefore, no occasion arises for her being convicted for commission of offence under Section 306 of the IPC.

He further submits that she is only owner of the shop where the deceased was running a distributorship firm.

Primarily the issue of committing the suicide was the financial constraint and there is no specific allegation that it was the petitioner who abated the deceased to commit suicide.

It is further submitted by learned counsel for the petitioner that the petitioner has returned from Nigeria and she is ready and willing to join the investigation as and when called upon by the investigating agency.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

Adjourned to 26.02.2024.

Meanwhile, the petitioner is directed to join the investigation and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Thereupon, on 26.2.2024, this Court directed the State to file specific reply, giving therein, the details regarding the role of the present petitioner as well as giving the outcome of the investigation

conducted till that day, regarding the dispute of money between the deceased and the present petitioner. It is not under dispute that the the petitioner has joined the investigation. The only dispute is that the money of Rs 10 lacs has not been returned by the petitioner at the time of joining of investigation. Learned State counsel has drawn the attention of this Court towards the disclosure statement of one Vijay Olan, wherein he has disclosed that the amount of Rs 10 lacs which belongs to the deceased, in fact, is with the present petitioner.

3. On the other hand, learned counsel for the petitioner refuted the story of the prosecution on the ground that in fact earlier in the FIR as well as in suicide note, the allegation of usurping the money of the deceased was against Vijay Olan, therefore, the prosecution cannot at their convenient change their version.

4. Be that as it may. Since the petitioner has joined the investigation and the dispute with regard to the money would not impede the investigation, the investigating agency has to finalize their investigation, therefore, the present petition is **allowed** and order dated 20.12.2023 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 15, 2024

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Whether speaking/reasoned ?
Whether Reportable ?

(KULDEEP TIWARI)
JUDGE

Yes/No
Yes/No