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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 249/2024**

MEENU @ SAKSHI

..... Petitioner

Through: Mr. Ajay Sharma & Mr. Vipul
Lamba, Advocates.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Jasbir Malik & Insp.
Gajender, P.S. Kapashera.
Mr. Gaurav Sharma, Standing
Counsel, DHCLSC for the
complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **21.03.2024**

1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 522/2019, under Sections 302/498A/304B/120B/201/34 of the IPC and 27/30 Arms Act, registered at P.S. Kapashera.
2. The case of the prosecution as per status report dated 07.02.2024, authored by Insp. Naveen Kumar, SHO, P.S. Kapashera, is as under:

“1. Most humbly it is submitted that the aforesaid case was registered on the complaint/statement of Mr, Jai Bhagwan Sharma S/o Prabhu Dayal R/o Bohra Mohalla, Village Madhawali, PS Tigaon, Tehsil Vallabhgarh, Distt. Faridabild, Haryana Brief facts of the case are that on 25.12.19, a PCR call vide DD No, 4A "Caller की भाई की wife छत पर से कूद गई है "was received at PS Kapashera and the same was entrusted to SI Bramha Prakash, who on receipt of DD No. 4A reached spot of information i.e. H.No. 373, Devender Ka Plot, Sabzi Mandi Wali Gali, Samalkha, New Delhi. He



found one lady in unconscious state in a pool of blood in the teen shed room of the

spot. During enquiry, the identity of the Injured lady was established as Divya @ Durgesh W/o Mr. Rohit Vats R/o H.No. 119, Sabzi Mandi Wali Gali, Samalkha, New Delhi, age 25 years, She was immediately shifted to DDU Hospital where after examination, he was declared brought dead vide MLC No. 12118/19. During enquiry it was found that Divya @ Durgesh got married to Rohit Vats on 15.03.15. Therefore, SDM/Vasant Vihar Sh. Shailesh Kumar was informed who came on spot. After that statement of Sh. Jai Bhagwan (father of deceased) was recorded, wherein he alleged that he had married his daughter to Rohit Vats S/o Kishan Chand Vas R/o Village Samalkha, New Delhi on 09.03.13. Before marriage, on 05.03.15 he alongwith the mediator Sh. Kalicharan and other persons went to the house of St. Rohit Vats for Roka (Sagai) and gave Rs. 3,11,000/- cash and some jewellery, clothes & sweets and clothes articles to the family members of Rohit Vats. But during the ceremony of Roka (Sagai), Rohit Vats and his brother Mohit Vats started quarreling with him and demanded Rs. 5,11,000/- cash and one Scorpio Car. The matter was settled down by the intervention of some elderly people of the village and ceremony was completed. After marriage also, Rohit Vats, Mohit Vats and their mother Smt. Sudesh had demanded dowry from them at many occasions but they have never complained about this to any agency. Rohit Vats and his family members used to torture her daughter Divya (deceased) physically and mentally for demand of dowry. In June 2012 his daughter Divya was pregnant and Rohit Vats and his family members had asked to his daughter alongwith him to her paternal house. Therefore, on 06.06.2017 he took her daughter back to her house and on 06.11.17, his daughter Divya gave birth to a child (male). In October 2018, Rohit Vats and Mohit Vats came to the house of complainant alongwith the Panchayat of Village Samalkha and it was decided that Divya will return back to her matrimonial house. On 31.10.18, Divya (deceased) went back to her matrimonial house alongwith her husband Rohit Vats. In November 2018, Rohit Vats and his family members celebrated the first birthday of the newborn child (son) of Divya and demanded Chhuchhak from the complainant (father of deceased), The complainant had sold his 2 *Bigha* land to fulfill the demand of Chauchhalk and had given 6 Tola gold, 31 pair of pant/shirts, 31 Sarees and Rs 21,000 cash and other articles, as Chhuchhak to Rohit Vats & his family members. On 17.11.19, son of the complainant Sh. Jai Parkash went to Samalkha and brought back



her sister Divya Madhawali, Faridabad to attend family marriage ceremony and at that time Divya (deceased) disclosed to her family members that Rohit Vats and his Family members used to torture her physically and mentally for the demand of dowry and she also insisted that she will not go back to her Matrimonial house, as she has an apprehension that she might be killed for the demand of dowry. But the complainant (father of deceased) had consoled her and sent her daughter Divya back to her matrimonial house on 19.11.19 due to social shame. On 21.11.19 Divya (deceased) had made a phone call to her parental house and told her that her in-laws and husband used to continuously torture her physically and mentally and said that “please take me away from his place.” Therefore 22.11.19, complainant (father of deceased) went to the matrimonial house of Divya (Village Samalkha) and met Rohit Vats (husband of deceased Divya) Mohit Vats, Meenu and Sudesh and pleaded with folded hands that they should stop torturing his daughter Divya. But they all asked him to take her daughter Divya back to her paternal house alongwith him and they will not allow Divya to stay farther in their house. But the complainant again consoled her daughter Divya and asked her to remain at her matrimonial house due to social shame. On 24.12.19 at about 2 PM, Divya made a phone call to her parental house and talked to her elder sister Rachna and her mother Ramwati and asked them that “please take me away from this place, otherwise they will kill me and they are torturing me a lot. “On 25.12.19 at about 5 AM, Rohit Vats called Sh. Jai Prakash and informed him that Divya had jumped from the roof of matrimonial house and had died. Thereafter at about 06.37 AM, Meenu’s father Hari Kishan called the complainant and informed him that Divya had died and he should reach immediately to Delhi. When complainant reached Samalkha, he got to know that his daughter was taken to DDU Hospital.

3. That further during investigation accused Mohit Vats @ Titu S/o Late Sh. Kishan Vats was arrested on 25.12.19 and accused persons namely Suresh W/o Lt. Sh. Kishan Vats & Meenu @ Sakshi W/o Mohit Vats were arrested on 26.12.19 and accused Rohit Vats S/o Late Sh. Kishan Vats on 27.12.19 in the case. The weapon of offence, i.e., one pistol with 9 live cartridges & empty cartridges was recovered at the instance of accused Rohit Vats.

5. That during investigation, the complainant produced documents related to marriage of her daughter Divya (deceased) and



ownership/sale documents of the property which he had sold for purpose of marriage and Chhuchhak of his daughter (deceased Divya). Statements of witnesses/family members namely Smt. Ramwati (mother of deceased Divya), Sh. Jai Parkash (brother of deceased Divya), Ms. Rachna (elder sister of deceased Divya) were recorded and they all alleged that the deceased Divya was continuously tortured physically and mentally for the demand of dowry, by Rohit Vats (husband), Mohit Vats (Jeth), Sudesh Vats (mother in law) and Meenu @ Sakshi (Jethani). Further the statement of mediator Sh. Kalicharan was also recorder, who corroborated the fact of quarrel during the ceremony of Roka (Saga) for the demand of Rs 5,11,000/-, Documents produced by the complainant were verified, which corroborated the version of complainant.

7. That after completion of investigation, chargesheet against accused persons was filed before the Hon'ble Court and the petitioner Meenu @ Sakshi has been chargesheeted u/s 408A/304B/120B/34 of the IPC. The case is pending trial before the Hon'ble Court of Ms., Vandana Jain, Ld. ASJ, Dwarka Court, Delhi and next date of hearing is fixed for 07.02.2024 for P.E.

9. That the present petition filed by the petitioner Meenu @ Sakshi for grant of regular bail on the ground that she is having two minor kids namely Master Prince and Baby Lakshita Vats aged about 4 years and both the children are living without their mother and father as both the parents are in judicial custody. There is no one to look after her small kids, to provide food, get them prepared for school and for dropping and taking them from school. The petitioner further submitted that she has not misused her liberty during her interim bail.

10. That prior to filing of present petition, accused Mohit Vats as well as petitioner Meenu filed various applications before lower court for extension of interim bail, wherein similar Facts were mentioned by the petitioner/accused Mohit Vats. For verification of facts, the house of the accused persons was visited and it was learnt that both the children of petitioner were earlier living at H.No, 119 Sabzi Miadi Wali Gali, Samalkha, Delhi under care of their grandmother and thereafter they went to the house of their Mama Sh. Satish Kumar. It is pertinent to mention here that there are other family members of petitioner who can easily look after the children.”

3. Learned counsel appearing on behalf of the applicant submits that the



latter is the sister-in-law (*bhabhi*) of the deceased's husband. It is submitted that the allegations in the FIR and the chargesheet are general in nature with respect to the present applicant. It is submitted that the applicant has two minor children aged 05 and 07 years respectively, and are presently living without their parents as their entire family is in judicial custody.

4. It is submitted that the charges in the present case have been framed and the material witnesses have already been examined. It is submitted that even in the complaint made by the complainant resulting in the FIR, the allegations against the present applicant are general in nature. It is submitted that the applicant had been released on interim bail under the HPC guidelines and without misusing the liberty, she duly surrendered on time. It is further submitted that the present applicant has been in judicial custody since 26.12.2019 and only 07 witnesses have been examined out of the 36 witnesses cited by the prosecution and the trial is likely to take a long time.

5. *Per contra*, learned APP for the State, assisted by learned counsel for the complainant, appointed through Delhi High Court Legal Services Committee, submits that the allegation in the present FIR is serious in nature and the present applicant was involved in the conspiracy with regard to the death of the deceased in the present case. It is submitted that one material witness, i.e., brother of the deceased, is still under cross-examination. In view of the aforesaid, it is prayed that the present application may be dismissed.

6. Heard learned counsel for the parties and perused the record.

7. The present FIR was registered at the instance of the father of the deceased. The case of the prosecution is that the husband of the deceased shot her. Reference to the present applicant in the allegations in the



complaint made by the father of the deceased is as “*family members*”. Circumstances, relied upon by the prosecution is that the present applicant was present at the time when the incident had taken place. It is a matter of record that the present applicant’s children are aged about 05 and 07 years, respectively and are living without their parents as the entire family has been in judicial custody. As per status report, it is stated that the children are looked after by their maternal grand-mother and uncle, i.e., brother of the present applicant, however, the same cannot be replaced by the care being taken by their mother.

8. As per nominal roll, received from the Jail Superintendent, the present applicant has been in judicial custody since 26.12.2019 and had been released on interim bail on previous occasions, and without misusing the liberty granted to her, duly surrendered on time. Out of 36 witnesses cited by the prosecution, only 07 witnesses have been examined so far and the trial may likely to take a long time.

9. In view of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not NCT of Delhi without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when



the matter is taken up for hearing.

- iv. The applicant is directed to give her mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
10. The application is allowed and disposed of accordingly.
11. Pending application(s), if any, also stand disposed of.
12. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 21, 2024/bsr