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

CRM-M-818-2024 (O&M)

Date of Decision:- 05.05.2025

MEWA DEVI

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kanishk Sarup, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Manjeet Singh, Advocate for the complainant.

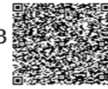
AMARJOT BHATTI, J.

CRM-15710-2025

Learned counsel for applicant/petitioner has filed an application for placing on record affidavit and order granting regular bail to the co-accused as Annexure P-9 and P-10 respectively.

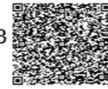
Learned counsel for the State submits that he has no objection to the application being allowed.

For the reasons mentioned in the application and no objection suffered by State counsel, application is allowed and accompanied documents are taken on record as Annexures P-9 & P-10, subject to just exceptions.

**Main case.**

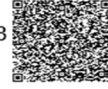
1. Petitioner has filed instant petition under Section 438 of Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.724 dated 22.08.2023 under Sections 376 (2) (n), 34 and 420 of IPC (Sections 313, 406, 323, 467, 468, 471 of IPC added later-on) registered at Police Station Barwala, District Hisar.

2. Facts of the case, are complainant 'S' filed written complaint against Surender Kumar and Mewa Devi. She alleged that she is less educated. Her father expired in the year 2021. Surender Kumar was serving in Indian Army posted at Ladakh 24 Rajputana Rifles Regiment. He is a deceitful cunning person. She came in contact with him through Facebook since 2019 and allured her for marriage. He kept her with him without marriage for a long duration. She started insisting him for marriage. He put off the matter on one pretext or the other. Ultimately, he executed document of live-in relationship. Sister of accused No. 1 i.e. present petitioner lived in neighbourhood. She interfered in her life. On 16.02.2022, she was given beating. She came to her father's house but nobody came to bring her back. Ultimately, matter was reported to police and Surender Kumar was arrested. He was released on 12.04.2023 and apologized. He told her that he was in Army and his job was in danger. He again assured to perform marriage with her. He further assured that he will transfer house and a shop in her name. Instead of getting married, on 16.07.2022, he got prepared a live-in relationship document. Said criminal case was taken back. Accused did not transfer the house and shop in her name. He only got prepared an affidavit



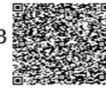
and agreement and same was handed over to her. Thereafter, in February 2023, he asked her to give Rs. 20 lacs belonging to her father to buy a house where they could live peacefully. In February 2023, accused went back for his duty and told her on phone to give Rs. 20 lacs to one Surender Jain for buying a house. Accordingly, she gave money to Surender Jain. Till date neither accused has purchased the house nor returned her money. During this period, she became pregnant. In September 2022, she went to hospital for check up but a fight took place. She was given beating. She was again turned out of the house and she came to her parental house. She disclosed about her health condition to petitioner who sent her a medicine. After consuming that medicine, she suffered miscarriage. Again on 19.08.2023, she was turned out of the house and thereafter, matter was reported to police, on the basis of which present FIR has been registered.

3. Learned counsel for the petitioner argued that Mewa Devi is falsely implicated in this case. She had no role to play in the entire occurrence. Co-accused Surender has been granted regular bail in CRM-M-45153-2024 vide order dated 04.04.2025 (Annexure P-10). In-fact, prosecutrix and Surender were in live-in relationship since January, 2020. Agreement was executed subsequently on 16.07.2022 (Annexure P-3). Because of their mutual differences, dispute started, as a result prosecutrix involved Surender Kumar and other family members in various criminal cases. There is reference of FIR No.797 dated 08.10.2021 under Sections 323, 376 (2) (n), 342, 354-A (1), 354-A (ii), 354B, 366, 506 & 34 of IPC, registered at Police Station Barwala, Hisar where cancellation report was



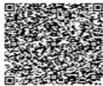
presented. Thereafter, there was FIR No.194 dated 18.02.2022 under Sections 323, 376 (2) (n), 506 and 34 IPC registered at Police Station Barwala, Hisar where prosecutrix turned hostile. There is reference of two other FIRs out of which in one FIR cancellation report was presented. In the case in hand, challan is already presented against Surender Singh who is facing trial. Copy of challan report is Annexure P-6. Copy of MLR is Annexure P-5. Prosecutrix did not suffer any injury. All allegations are false qua petitioner. She has not received any amount. She was granted interim bail vide order dated 09.01.2024 and she has already joined the investigation. It is submitted that anticipatory bail application filed by petitioner may be allowed.

4. Bail application is opposed by learned counsel representing State assisted by counsel for complainant. Status report is filed. As per status report, Mewa Devi, petitioner was joined in the investigation on 17.01.2024 and her disclosure statement was recorded. As per the record available with the investigating agency, present petitioner on the pretext of purchasing a plot took Rs.5.60 lakhs from the prosecutrix in her account and thereafter she did not return the money. Along with the status report, disclosure statement is annexed and in the supplementary status report, statement of account of Sapna Devi in State Bank of India is also annexed in which there is a specific entry dated 17.02.2023 according to which present petitioner Mewa Devi received Rs.5.60 lakhs from the prosecutrix. Learned counsel representing State pointed out that petitioner did not cooperate with the Investigating Agency. Said amount is yet to be recovered which she



managed to receive from the prosecutrix on false pretext of purchasing a plot. It is further pointed out that petitioner is involved in another FIR No.249 dated 01.09.2018 under Sections 323, 341, 506, 379 and 34 IPC, Police Station City Narwana, District Jind and FIR No.324 dated 07.06.2024 under Sections 323, 506, 34 IPC, P.S. Barwala. Since she did not cooperate with the Investigating agency, therefore, her custodial interrogation is required.

5. I have considered the aforesaid factual position. The record available on file as well as facts of the case indicate that prosecutrix is being exploited since the year 2019. Main accused Surender Kumar was a married man. Even then, he developed relationship with the prosecutrix. Due to the conduct of petitioner on two occasions, FIR was registered against him. In FIR No.797 dated 08.10.2021 (*supra*) cancellation report was presented and in FIR No.194 dated 18.02.2022 (*supra*) he was acquitted as the main witness turned hostile. Copy of judgment is Annexure P-4. After acquittal, there is alleged agreement of live-in relationship dated 16.07.2022 (Annexure P-3). There are allegations of maltreatment against petitioner as well as brother Surender Kumar. Facts further indicate that prosecutrix also suffered miscarriage on account of medicine supplied by present petitioner. There is another entry showing receipt of Rs.5.60 lakhs from the prosecutrix by the present petitioner. Petitioner was granted interim relief but even then she did not fully cooperate with the Investigating agency. Regular bail in favour of Surender Kumar granted by this Court vide order dated 04.04.2025 (Annexure P-10) was on different footing whereas in the case in hand petitioner is yet to join the investigation and thereafter supplementary



challan is to be presented.

6. Considering the aforesaid factual position, interim relief granted in favour of petitioner Mewa Devi is vacated and the anticipatory bail application filed by petitioner, is accordingly, declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

05.05.2025
snd

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