

2025 PHHC 006322



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2362-2025
DECIDED ON: 17.01.2025

HAPPY ACREE ALIAS HEMA ALIAS HAPPY ARCEE
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Veena Hooda, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.163, dated 30.08.2024, under Sections 108, 3(5) of BNS, 2023, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, SHO Police Station Sadar Bahadurgarh, Sir, I request that I am Keshar Devi wife of Krishna Lal resident of Kabadi Road, Bharat Nagar Panipat, presently House No. 712, Street 01 Sangrur Punjab. I had two sons, out of which the elder son Rajesh passed away about 11 years ago, the younger son Suresh who lived in House No. 112, Indra Garden near ITS Workshop Road Yamunanagar, who has two children, son Love and daughter Madhavi and Suresh's wife Hema had a love marriage about one and a half years ago with my nephew Lovely @ Midda @ Monu So Rampal resident of Kamopura district Karnal, presently Kali Mata Mandir Wali Gali Kashmiri Colony Balaur, Bahadurgarh, both of whom were

living in Bahadurgarh with Hema for about one and a half months, today on 30.08.2024 my son Suresh came to Bahadurgarh to meet his child who is my granddaughter Madhavi told me on phone at around 9 am that my son Suresh was beaten up by Lovely, Ajay and Hema after which Suresh consumed sulphas which he had with him. My son also uploaded a video on my phone this morning in which Suresh was saying that Ajay, Lovely and my wife Hema are harassing me. I am consuming sulphas. They are threatening me. My maternal uncle's son Monu and his brother Kuku are telling my wife that they will not let me work and will run a truck over my car. I am fed up with this. I cannot live like this. My granddaughter told me that Grandma, I am bringing my father to Rohtak PGIMS in an ambulance. You come to Rohtak. I immediately arranged for a vehicle and reached Rohtak PGIMS. My son Suresh, harassed by all the above Monu @ Lovely, Ajay and Hema, consumed sulphas and died. I have requested you that strict legal action should be taken against all the above. Have presented my application at the emergency gate of PGIMS Rohtak Sd Kesar, applicant Keshar Devi wife of Krishna Lal resident of Kabadi Road, Bharat Nagar, Panipat, currently house no. 712, lane no. 1, Jeevan Nagar Sangrur Punjab, mobile no. 8572874320 dated 30.08.24.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He states that the deceased was residing in Yamunanagar, whereas the petitioner resides in Bahadurgarh, following a compromise between the petitioner and the deceased on 13.05.2024, which was effected in the presence of a Panchayat Annexure P-3).

It is contended on behalf of the petitioner that he had no prior contact with the deceased, who allegedly visited the residence of the petitioner with a premeditated intent, as is evident from a plain reading of the FIR.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State and prays for dismissal of the present

petition stating that the allegations against the petitioner are serious of in nature, but could not put forth any material to connect him with the alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the fact that no incriminating material has been put forth by the prosecution to connect the petitioner with the commissioning of offence except that her name has been mentioned in the FIR and ingredients of Section 108 of BNS i.e., the abetment or the instigation at the part of the petitioner is missing in the present case, therefore, *prima facie* offence under Section 108 of BNS cannot be made out at this stage. Moreover she is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.01.2025

Meenu

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