IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-6353-2020(O&M)
Decided on:- 20.01.2025

Harinder Bathla and others ....Petitioners

Versus

State of Punjab ....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gaurav Chopra, Senior Advocate with
Mr. Rishabh Bajaj, Advocate and
Ms. Gauri C. Kaushal, Advocate
for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. S.S. Sidhu, Advocate
For the complainant.

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AMARJOT BHATTI, J.(Oral)

1. Petitioners Harinder Bathla, Kali Bathla alias Mahinder Partap, Arpit Bathla and Tittu Chhabra M.C. @ Rakesh Kumar have filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 121 dated 22.06.2019 under Section 306/201/506/120-B of IPC registered at Police Station City-1, Abohar, Punjab (Annexure P/1) and for issuance of necessary directions to IO/SHO to release petitioners on bail in the event of arrest.

2. As per the facts of case, one application/alleged suicide note was received in Punjab State Human Rights Commission, Chandigarh vide complaint No. 10333/25/2018 allegedly scribed by Cheena Sukhija where it was mentioned that she had love affair with one Arpit Bathla and she was two months pregnant. She told this fact to her mother who gave her severe

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beating and because of this, she committed suicide. She further stated that they are responsible for her death.

On this, investigation was carried out and during course of inquiry, statement of father of deceased Cheena alias Ferry was recorded who stated that he was running a sanitary shop at Thana Road, Abohar. His daughter was studying at Dev Samaj College, Sector-45, Chandigarh in first year, who was about 20 years of age. Arpit Bathla son of Harinder Bathla was also studying at Chandigarh. About 8 months ago, Harinder Bathla and Kali Bathla came to his house with proposal of marriage of his son Arpit Bathla with his daughter Ferry. They said that both boy and girl liked each other and they should be engaged. On this, he and his wife requested that they belonged to poor family, whereas, family of boy was rich. They in return stated that they did not need any dowry and they also liked the girl. On their refusal, they further stated that both children will perform marriage and then they will not be able to do anything. On their repeated request, they agreed for this relationship. After Diwali a ceremony was performed and both families started visiting each other. His daughter Ferry came during vacations and found that she was sad and was not talking to anybody. On inquiry made by his wife, she disclosed that Arpit Bathla was harassing her. His wife told him about it on 25.10.2018. Arpit Bathla was insisting his daughter to meet outside. He (father of girl) suggested that he will talk to Arpit Bathla and his father Harinder Bathla. On the same day, in afternoon, his wife came to shop to deliver food. At about 04:00 pm, he received call from his son Ekam that Ferry had confined herself in room and door is bolted from inside and she was not responding. Hurriedly, they reached home. She did not give any response.

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On asking, his son told that Ferry had received call from Arpit Bathla and while abusing, she went to her room. Arpit Bathla called at their house but Ferry did not pick up the telephone. Ultimately, door of room was opened and they found that his daughter was hanging from ceiling fan. Body was removed and family of Arpit Bathla was informed. Harinder Bathla, Kali Bathla, their wives and M.C. Tittu Chhabra came to their house and suggested to cremate the body. They were under shock and finally body was cremated. Once their family came out from shock, it was realized that his daughter had committed suicide due to harassment caused by Arpit Bathla and his family members namely Harinder Bathla, Kali Bathla and Tittu Chhabra. Since they were politically influential persons, they pressurized his family to cremate body of his daughter hurriedly, without adopting any customs and rites.

Regarding aforesaid FIR, investigation is still going on.

3. Learned counsel for petitioners argued that all allegations levelled against petitioners are false. FIR No. 121 dated 22.06.2019 (supra) (Annexure P-1) was registered on the basis of alleged suicide note. Translated copy of said suicide note is Annexure P-2. Initially statement of Rakesh Sukhija father of victim was recorded, which is Annexure P-3 where it was alleged that his daughter died natural death and it was not a case of suicide. It was further claimed that victim was not pregnant nor she had any type of physical relation with Arpit Bathla nor she was ever harassed or humiliated. In this FIR, Special Investigating Team was constituted by orders of Senior Superintendent of Police, Fazilka dated 24.06.2019 (Annexure P-4) and detailed inquiry report dated 18.07.2019 (Annexure P-5) was addressed to Senior Superintendent of Police, Fazilka

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by Special Investigating Team, Fazilka mentioning that there was no role of present petitioners in commission of alleged offence and they were found to be innocent. Matter was recommended to prepare cancellation report. Thereafter, again second inquiry was conducted on the complaint of Rakesh Sukhija (Annexure P-6) and another Special Investigating Team was constituted to inquire the matter (Annexure P-7).

Petitioners had applied for blanket bail earlier which was allowed vide order dated 06.02.2019 (Annexure P-10). Thereafter, they filed application for anticipatory bail which was partly allowed vide order dated 03.02.2020 (Annexure P-9) and one clause was added that in case Inquiry Officer considered that custodial interrogation was required, then appropriate application may be filed to Illaqa Magistrate/Duty Magistrate and in that eventuality this order shall not ensue. It is pointed out that aforesaid condition imposed by learned Sessions Judge, Fazilka was not called for. Present petitioners always joined investigation as and when required and they are still ready to do so. They are also ready to abide by any condition imposed by this Court. Learned counsel representing Harinder Bathla admitted that during this period, Harinder Bathla had gone to Canada alongwith his wife from 09.05.2024 to 17.08.2024 and he has already returned back. There was no intention on the part of Harinder Bathla to evade process of law or to escape in aforesaid criminal case. It is submitted that petitioners were granted interim relief vide order dated 13.02.2020 and they are still ready to fully cooperate with Investigating Agency.

4. On the other hand, learned counsel representing State assisted by learned counsel for complainant strongly opposed grant of anticipatory

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bail to petitioners. It is pointed out that there are specific serious allegations against all petitioners. Harinder Bathla violated terms and conditions of *interim* order and left for Canada without prior permission of Court. In case they are granted anticipatory bail, they may escape to avoid process of law. It is further pointed out that petitioners did not agree for Narco Analysis Test. Therefore, they are not cooperating in investigation.

Learned counsel representing State referred to status report dated 02.05.2023, where Investigating Agency was making effort to get opinion of hand writing finger print expert regarding said suicide note allegedly written by Cheena Sukhija alias Ferry (victim) and it was stated that mobile phone of Arpit Bathla was to be recovered. There is another status report dated 06.09.2024, where it was mentioned that Harinder Bathla left for Canada without permission of Court from 09.05.2024 to 17.08.2024.

At present, learned counsel representing State during the course of arguments confirmed that all petitioners have joined investigation and they are not further required.

5. I have considered the arguments and have gone through the record annexed with bail petition as well as status reports filed from time to time. FIR No. 121 dated 22.06.2019 (supra) (Annexure P-1) was registered when matter was referred by Punjab State Human Rights Commission, Chandigarh for taking necessary action and accordingly, FIR was registered and investigation started. Statement of Rakesh Sukhija was recorded initially (Annexure P-3) dated nil, where it is mentioned that his daughter died natural death and she did not commit suicide. It was further claimed that she was not pregnant nor she had physical relations with Arpit

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Bathla nor she was harassed by him and his family members. Later on, there is another statement of Rakesh Sukhija levelling allegations against petitioners for causing harassment to his daughter i.e. victim. Fact remains that victim died on 25.10.2018 in her parental home and on same day her body was cremated by her family. In the case in hand, there is no postmortem report. In initial inquiry report, present petitioners were found to be innocent and subsequently, other inquiry was initiated on complaint of Rakesh Sukhija, father of victim. Till date, matter is still under investigation. Regarding Narco Analysis Test. Today, learned counsel representing petitioners placed on record one order dated 07.11.2024 vide which application was disposed of by Sub Divisional Judicial Magistrate, Abohar. Obviously, if any party is aggrieved of this order, same can be challenged. As far now, State confirmed that petitioners have already joined investigation and they are not required for any other purpose. On the other hand, petitioners are still ready and willing to fully cooperate with Investigating Agency.

6. It is matter of record that Harinder Bathla went to Canada without seeking permission of Court from 09.05.2024 to 17.08.2024. However, he has already returned to India. Petitioner was required to seek permission before going abroad. There does not appear any intention on the part of petitioner to evade the process of law as he returned India in August, 2024.

Considering the aforesaid factual position, no purpose would be served by sending petitioners behind the bars when they are ready to fully cooperate with Investigating Agency as and when required. Therefore, anticipatory bail petition filed by petitioners Harinder Bathla,

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Kali Bathla alias Mahinder Partap, Arpit Bathla and Tittu Chhabra M.C. @ Rakesh Kumar is allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioners will join investigation as and when required. They will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

Further petitioner Harinder Bathla is granted relief of anticipatory bail subject to condition that he will hand over his Passport to Investigating Officer and can leave India only with prior permission of Illaqa Magistrate/trial Court/Duty Judge concerned.

7. Pending application(s), if any, also stands disposed of accordingly.

20.01.2025 **(AMARJOT BHATTI)**
lalit **JUDGE**

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

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