

CRM-M-56660-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56660-2024
Reserved on: 15.01.2025
Pronounced on: 23.01.2025

Suman Devi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kirat Pal Dhaliwal, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Piyush Setia, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
006	08.02.2024	Sadar Abohar, District Fazilka, Punjab	306 & 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 6 of the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	336	21.10.2023	376D, 450 IPC	Women Police Station, Hanumangarh

3. As per prosecution case, the complainant informed the police that his younger brother Sanjay Kumar would share all his ordeals with him. He was married to Ganga Devi and they had a son named Nirmal Kumar. Since his brother Sanjay Kumar’s wife was mentally unstable, for this reason, Sanjay Kumar had performed second marriage in 1999 with Suman Devi (petitioner herein), who belongs to Rajasthan. After the marriage, a boy was born, named Rahul who is now 22 years of age. The complainant and Sanjay Kumar’s sister Mamta was also married in Rajasthan and her daughter-P, was married to Surinder Kumar of Rajasthan. The complainant’s nephew Rahul Kumar i.e. son of Sanjay

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Kumar and Suman Devi (petitioner), had raped the P i.e. daughter of their sister, which lead to registration of an FIR in Rajasthan against Rahul Kumar and petitioner-Suman Devi. On 27.12.2023, Hanumangarh Police arrested Rahul Kumar, due to which Suman Devi started quarreling with complainant's brother Sanjay Kumar. Suman Devi along with her other relatives started putting pressure on complainant's brother Sanjay Kumar to get their son -Rahul released. Getting fed up from such pressure, on 05.02.2024, Sanjay Kumar consumed poisonous substance. He was taken to hospital at Abohar, from where he was referred to PGI and also to DMC Ludhiana, where he was declared dead. The FIR was registered against the petitioner who is in custody.

4. Petitioner's counsel made various arguments including that false allegations have been implicated on the petitioner. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“4. **Role of the petitioner**-The petitioner is the wife of the victim deceased Sanjay Kumar. The petitioner caused harassment to the victim Sanjay Kumar pressurizing him to get the matter compromised in the FIR No.336 dated 21.10.2023 u/s 376-D, 450 IPC P.S.Women Hanumangarh due to which the said Sanjay Kumar committed suicide by consuming poisonous substance. The petitioner actively participated in the commission of crime.”*

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 6(c) of the bail petition, the petitioner has been in custody since 21.07.2024. As per the custody certificate dated 14.01.2025, the petitioner's total custody in this FIR is 05 months & 23 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest

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Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.01.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.