

NEETU ARORA

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. H.S. Dhillon, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Kanwar Abhay Singh, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 of the Bharitiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the following FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
376	05.11.2024	108, 3(5) of BNS (318(4), 338, 336(3) 340(2) of BNS added later on)	Sector-5, Gurugram

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, she has no concern whatsoever with the suicide committed by her husband. He contends that infact the deceased was treating the petitioner with utmost



cruelty and was in the habit of taking liquor and smoking ganja and has been subjecting the petitioner to physical torture. The deceased had been levelling allegations of chastity against the petitioner and in order to save herself and children from the bad habits of the deceased, she had started living separately in a rented accommodation (Annexure P-2) and was constrained to file divorce petition (Annexure P-3). He contends that even one Chander Parkash well known to the deceased tried to intervene and mediate, but was beaten up by the deceased qua which FIR (Annexure P-4) was registered against the deceased. He contends that on the fateful day i.e. 28.10.2024 petitioner was called alongwith children to the matrimonial house by the deceased to take his clothes and belongings therefrom and in the meanwhile he had consumed poisonous substance without there being any instigation on the part of the petitioner and ultimately died. He contends that the petitioner is not in any manner connected with the demise of her husband nor has she abetted the commitment of suicide, hence prayed for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have strongly assailed these arguments by contending that there are specific allegations against the petitioner of having instigated the deceased for the commission of the suicide on account of her bad habits and having illicit relationship with one Chander Parkash. He contends that the factum of the deceased being harassed by the conduct of the petitioner is evident from different video clips recorded by him in his mobile phone which speak volume about the incitement on the part of the petitioner in the alleged



crime. They contend that custodial interrogation of the petitioner is required, hence prayed for dismissal of the petition.

5. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the complaint moved by the Surender Sharma, brother of the deceased intimating that on 28.10.2024 deceased Gulshan had consumed poison and died in civil hospital. The complainant handed over a pen-drive containing the video clips with the complaint on 02.11.2024 alleging that the deceased had married to petitioner on 01.07.2001 and out of this wedlock one son and one daughter were born. The co-accused Chander Parkash used to visit his brother's house and later developed illicit relations with the petitioner. On 11.10.2024 the petitioner alongwith her children left the matrimonial house and started residing with Chander Parkash. On 15.10.2024 the deceased had gone to the house of Chander Parkash and found his wife and children living there and when he asked the petitioner to return back to the matrimonial house a scuffle took place and said Chander Parkash had got registered a false FIR against the deceased, due to which the deceased remained in stress. On 28.10.2024 the deceased received a call from the advocate engaged by the petitioner regarding the clothes of the petitioner and children and on coming to his house he saw the petitioner and children present there and after some time the deceased was found oozing foam from his mouth, from where he was taken to the hospital where he succumbed. The complainant subsequently alleged on the basis of video clips that his brother was fed up with the illicit relations of the petitioner.



6. It is apparent from the reply filed by the State that the version put forth by the petitioner regarding her being residing in the rented accommodation as per (Annexure P-2) is concern, that has been a fabricated document. It is specifically mentioned in the reply filed by the State that this aspect has been verified and found to be false as per the statement given by landlord Bijender Singh, who told that the petitioner is neither living in the house nor has made any rent agreement with her as per statement (Annexure R4). Besides, there were call details report (Annexure R-6) showing 201 calls between the petitioner and co-accused Chander Parkash during period 01.09.2024 to 09.11.2024. The pen drive (Annexure R-7) showing the video clips of the deceased speaking volume about the alleged harassment by the petitioner. It is worth-mentioning here that the petitioner tried to project that she was living in a rented accommodation which during investigation was found to be false and concocted version, as there being no rent agreement ever executed by the landlord. Therefore, considering the serious nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.03.2025

Gyan

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No