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

**CRM-M No.1462 of 2025
Date of Decision: 14.01.2025**

Mehak and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Yashveer Kharb, Advocate
for the petitioners.

Mr. Kirpal Singh, AAG, Haryana.

Mr. G. S. Sethi, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioners in case bearing FIR No.372, dated 30.10.2024, under Sections 108, 351(3) and 3(5) of BNS, 2023, registered at Police Station Civil Line Jind, District Jind.

2. Succinctly the facts of the case are that the present FIR was registered on the basis of statement of Dharambir son of Diwan Singh. It has been alleged that his son, namely, Devender was 26 years of age, who was married about 1½ year ago with Mehak i.e. petitioner No.1, daughter of Rajendra. On 30.10.2024, when he was at home, he was



informed by Sahil Sharma that his son has consumed poisonous substance and he has been admitted in Malik Hospital, Rohtak Road, Jind. On receiving the information, he reached the hospital. It was alleged that after the marriage, his daughter-in-law, Mehak and her mother Mukesh (petitioner No.2) was harassing his son for staying in Jind city instead of staying in village Barah Khurd. Mehak and her mother used to threaten his son on phone. It is because of this, his son Devender, having fed up from Mehak and her mother Mukesh, committed suicide by consuming poisonous substance. The request was made to take the legal action. On registration of the FIR, the investigation commenced. Apprehending their arrest, the petitioners approached the Court of learned Additional Sessions Judge, Jind praying for the grant of anticipatory bail. However after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Jind dismissed the petition filed by the petitioners vide his order dated 03.01.2025. Hence being aggrieved the petitioners are before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioners has vehemently contended before this Court that the petitioners have been falsely and frivolously implicated in the present case. He has submitted that the complainant had concealed the true facts as the deceased had committed suicide due to the harassment caused by his sister on account of transfer of 2 acres of land in her favour. He has submitted that the deceased had committed suicide at the place of his work whereas the petitioners were



at their home at that time. He has submitted that no *prima facie* case as alleged against the petitioners is made out and hence, the petitioners deserve to be granted anticipatory bail.

4. Per contra, learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioners. He has submitted that the deceased was married about 1½ year ago with petitioner No.1 and since then, she persistently harassed the deceased on every petty issue. He has submitted that petitioner No.1 was not ready to live in the village of deceased and thus, he was being compelled to shift to Jind city. He has submitted that the call details of petitioners and the deceased was obtained. In the video recording made by the deceased, the petitioners have been heard threatening the deceased that his parents would be killed. He has submitted that the deceased was a young boy and thus he has been instigated by the petitioners to commit suicide. He has thus submitted that no case for the grant of anticipatory bail to the petitioners is made out and thus the present petition deserves to be dismissed.

5. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners. He has submitted that the allegations made against the petitioners are specific. He has submitted that the investigation is going on. The phone calls and video recordings are being examined. He has submitted that the investigation being at threshold would be seriously effected in case the



petitioners are enlarged on anticipatory bail and thus the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It is deciphered from the facts and circumstances of the case that the marriage of petitioner No.1 and the deceased had taken place about 1½ year before the date of occurrence. There are allegations that petitioner No.1 along with her mother was causing harassment to deceased on every petty issue. He was being compelled to shift from his parental home to city Jind. As submitted before this Court, the mobile phone and the video recordings have been recovered and on instigation from the petitioners, the deceased was compelled to end his life. Needless to say that the deceased was a young boy and the investigation is at threshold.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS, which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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."*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

"31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory



bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable



order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been prima facie found. Needless to say, the investigation is at threshold and in the facts and circumstances, custodial interrogation of the petitioners would be essential and granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioners do not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.01.2025

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