

Nisha versus State of Punjab

CIS No.BA/2618/2022

CNR No.PBHO010075272022

Present: Mr.Vikram Mahy, Advocate for the bail applicant/accused
Mr.Nitin Berry, Additional PP for respondent State.

This application U/s 438 of the Code of Criminal Procedure for grant of pre-arrest bail was filed by bail applicant/accused Nisha on 12.10.2022. Upon notice, the respondent State appeared and contested the bail application. Record of the main case pending in this court for today is also available.

Arguments heard. Record perused. In this case FIR U/s 306 IPC has been registered on the basis of statement of complainant Surjit Ram to the effect that his daughter Simran left studies when she was in 11th class. She had been talking to a boy on telephone regarding which he told his nephew Sanjeev Kumar. His nephew told him that she is having love affair with a boy Mandeep Sandhu. Then he and his nephew talked to mother of said boy who were in touch with each other since long. On 16.01.2020, Simran went to the said boy at Village Hajipur, regarding which Sarpanch of Village Hajipur gave information to him. His nephew talked to mother of said boy and she asked for their marriage alliance. His nephew again approached Sarpanch of Village Hajipur and told him that Simaran is not of marriageable age and they will solemnize her marriage after 4-5 months. His nephew then talked with brother in law(Jija) of said boy. Thereafter, family of said boy was told that the girl is with them and they are responsible to look after her. On 15.04.2020 Mandeep Sandhu made a phone call and demanded documents of Simran. He and his nephew told that boy that they will hand over the documents after lock down is over. His daughter has no communication with him since she left home. On 07.06.2020 at about 8:30 AM, the Sarpanch informed them that he has received a phone call from Police Station Hajipur that Simran has died. Then he alongwith his nephew and other respectable persons went there. He has firm belief that due to harassment by Mandeep Sandhu, his daughter Simran has committed suicide by hanging by her chunni and hence, action be taken against accused Mandeep Sandhu and his family members.

After registration of formal FIR, investigation of the case was

conducted. On completion of investigation, final report against accused Mandeep Sandu and Charan Singh was presented in the court of Area Magistrate while keeping the proceedings against other accused pending.

Case was committed to the court of Sessions by the learned Area Magistrate. A *prima facie* offence punishable U/s 306 IPC was found to be made out against the accused and charge was framed, accordingly to which, the accused pleaded not guilty and claimed trial. In order to prove its case, the prosecution examined PW-1 Constable Ram Dulari and PW-2 Surjit Ram, complainant. On filing of an application U/s 319 Cr.P.C., Nisha and Sonu were summoned as additional accused for commission of offence punishable U/s 306 IPC for their trial together alongwith co-accused Mandeep Singh Sandhu and Charan Singh, vide order dated 19.09.2022.

Through the present application, pre-arrest bail has been sought by bail applicant/accused on the grounds that false allegations have been levelled against her; she is neither named in the FIR nor has been challaned by the police; nothing is to be recovered from her and she is ready to surrender before this court. However, these allegations have been denied by the respondent/State.

Perusal of record reveals that the bail applicant/accused has been summoned for commission of offence punishable U/s 306 IPC as additional accused on filing an application U/s 319 Cr.P.C. by the prosecution. She is mother of main accused Mandeep Singh Sandhu. The victim had died in the house of the bail applicant/accused. No explanation has been furnished regarding the cause of her death. Allegations against the bail applicant/accused are grave and serious in nature. Further, despite having knowledge of pendency of this case, she has not surrendered before this court. So, keeping in view the above said facts and circumstances of the case as well as seriousness and gravity of the allegations against the bail applicants/accused, no ground is made out to extend the benefit of pre-arrest bail to her. Hence, this bail application is dismissed. Bail papers be attached with the main file.

Pronounced in open court
Dated: 09.11.2022

(Dilbagh Singh Johal)
Additional Sessions Judge,
Hoshiarpur

Rakesh Kumar, JW

