

State vs Sunaina

BA-175-2021.

CNR No. PBBR01-000590-2021.

Present: Sh. Hari Om Jindal, Advocate counsel for
accused/applicant.
Sh. Aseem Goyal, Addl. PP for the State assisted by
Sh. NP Singh, Advocate counsel for the complainant.

Sh. NP Singh, Advocate has filed power of attorney on
behalf of the complainant. The same is taken on record.

2. That counsel for the accused/applicant has stated the girl
namely Sunaina accused/applicant and co-accused/non-applicants are
innocent persons and has been falsely implicated in the present case.

3. As per the prosecution case, this case was registered on the
application of Hari Om Garg with the allegations that his marriage was
performed with accused/applicant Suniana on 08.4.2014 and due to
temperamental incompatibility a compromised was taken place in women
cell, Barnala for taking divorce on mutual consent and at that time
complainant arranged the arrival of Suniana accused/applicant, Rajesh
Chander and Alka Rani from Bangluru to Barnala by spending an amount
of Rs. 35,000/- being air tickets and it was agreed that they would get
divorce from the competent Court at Barnala and the permanent alimony
was settled as Rs. 5 lakhs. The divorce petition was filed in the Court on
06.03.2019 and an amount of Rs. 2,50,000/- was received from the
complainant on 20.03.2019 in the Court and the case was adjourned to
25.09.2019 for recording the statement of second motion. However, on
25.09.2019 Suniana accused/applicant had not come to the Court for
getting recorded her statement and also for receiving the remaining
amount of Rs. 2,50,000/- whereas accused/applicant and others started

raised a demand of Rs. 12,50,000/- from him and stated that unless and until the complainant would not give them the above-said amount she will not suffer a statement in that case. In this way the accused/applicant and others have cheated the complainant.

4. Admittedly, the accused/applicant Suniana is wife of the complainant with whom the complainant has matrimonial discord. It is also admitted case of the prosecution that a divorce petition U/s 13-B of the HMA was filed by the complainant and the present accused/applicant has received an amount of Rs. 2,50,000/- as part payment of the permanent alimony on the first motion of the divorce petition. The only allegation against the accused/applicant is that after the recording of the first motion statements in the divorce petition, she alongwith others had demanded an amount of Rs. 12,50,000/- despite the fact that the compromise was arrived at for an amount of Rs. 5 lakhs out of which the complainant has parted with an amount of Rs. 2,50,000/-.

5. That counsel for the accused/applicant has produced the zimni orders dated 25.09.2019 and 03.10.2019. Perusal of both these zimni orders shows that both the parties did not come present before Ld. Principal Judge, Family Court, Barnala for recording their second motion statement. Due to their non-appearance the petition was dismissed in default by the said court.

6. Thus keeping in view the alleged role of the accused/applicant during the entire incident the accused/applicant is directed to join the investigation and in the event of her arrest

investigating officer is directed to release her on interim bail to his satisfaction and record be produced on 09.03.2021.

Pronounced.
February 24, 2021
Rajiv Kumar JWII

Barjinder Pal Singh,
Addl. Sessions Judge,
Barnala/UIDNo. PB0185