

**In the court of Sh. Vijay Kumar,
Additional Sessions Judge, Fazilka.
(UID No. PB-0154)**

	B.A No.1613 of 07.09.2019. CNR No. PBFZCO-0043932019. CIS No.BA/1613/2019. Date of Decision:-09.09.2019.
--	--

Seema Rani @ Simran daughter of Gurdeep Singh resident of Village Mauzam Tehsil and District Fazilka.

.....Accused-applicant.

Versus.

State of Punjab.

.....Respondent.

FIR No.20 dated 23.03.2018.

Under Section 306 IPC.

P.S. City Fazilka.

Application U/s 439 Cr.PC.

Present: Sh. Dharam Singh Warwal, Advocate counsel for applicant.
Sh. Wazir Kamboj, Addl. PP for the State.

ORDER

Seema Rani @ Simran had filed the present bail application in FIR No. 20 dated 23.03.2018 registered at police station, City Fazilka under section 306 IPC for releasing her on bail.

2. Brief facts of the bail application are that applicant is a peace loving and law abiding citizen of India. Applicant further stated that a false case has been registered against the applicant. Applicant further stated that she filed bail application before Hon'ble High Court and Hon'ble High Court vide order dated 02.09.2019 directed the trial Court to decide the bail application within three days after surrender of the applicant-accused. Applicant further stated that applicant is a disable person and she is victim at the hands of the deceased. Applicant further stated that on 13.12.2017

she moved complaint to the SSP, Fazilka. Applicant further stated that no offence under Section 306 IPC is made out. Applicant further stated that she is ready to abide by all the terms and conditions to be imposed by this court. Hence, prayed that she be admitted to bail.

3. Upon notice Learned Addl. PP appeared on behalf of State and contested the bail application. Learned Addl. PP argued that accused had taken Rs.8 lakhs and Xylo car from the deceased for arranging job for his son, but thereafter applicant-accused neither arranged any job nor returned the amount and Xylo car. He further argued that applicant-accused and others used to harass deceased Vikas Sharma and due to said harassment caused by applicant-accused and others, deceased Vikas Sharma committed suicide. He further argued that there are specific allegations against the accused. He further argued that they are yet to arrest the accused in the present case and they are to interrogate the accused and they have to recover the money and Xylo car from the accused. Hence, prayed for dismissal of the bail application.

4. I have heard learned counsel for the applicant/accused, APP for the State and have carefully gone through the records of the case.

5. Present FIR No. 20 dated 23.03.2018 was registered at police Station City Fazilka under Section 306 IPC. Present case was registered against the accused-applicant and others on the ground that applicant-accused taken Rs.8 lakhs and Xylo car from deceased Vikas Sharma for arranging job for the son of the deceased. Prosecution stated that thereafter neither accused returned Rs.8 lakhs money of the deceased nor returned Xylo car and she used to harass the deceased and due to harassment caused by the accused, deceased committed suicide. During the course of arguments, learned counsel for accused stated that accused had purchased the car vide affidavit dated 08.03.2017 after paying amount, but learned Addl.PP stated that in the alleged affidavit, it is mentioned that she had

purchased the car for Rs.4,60,000/- and she paid Rs.80,000/- at that time and she will pay the remaining amount of Rs.3,80,000/- later on and she will also pay installments of AU finance Company. Learned Addl.PP stated that applicant-accused had not paid Rs.3,80,000/- to the deceased nor paid the installments to the finance company and caused harassment to the accused. As per contents of affidavit, accused had allegedly purchased car for amount of Rs.4,60,000/- and she paid Rs.80,000/- and she also agreed to pay the remaining amount of the AU finance company. Although learned counsel for the accused stated that she had paid the remaining amount and the installments to deceased, but applicant had not brought on record any document, which can prove that applicant-accused had paid the remaining amount of Rs.3,80,000/-. Similarly, applicant-accused had not brought on record any document which can prove that she had paid the installments of the Finance company. Learned counsel for the accused stated that she had also filed an application to the police against deceased, but police had not taken any action, but learned Addl.PP stated that this application has been moved just to take the defence. So, from the perusal of the file, it is clear that there are serious allegations against the applicant-accused that she taken Rs.8 lakhs and Xylo car from deceased Vikas Sharma for arranging job for son of deceased, but thereafter neither she arranged job for the son of deceased nor returned the money and Xylo car and she used to harass the deceased. Moreover, learned Addl.PP stated that accused had surrendered in the Court at 4:15 PM on 07.09.2019 as per order of Hon'ble High Court dated 02.09.2019. He further stated that they are yet to arrest the accused in the present case and they are to interrogate the accused and they have to recover the money and Xylo car from the accused. So, there are specific allegations by name against the applicant-accused. So, keeping in view the gravity of offence, applicant-accused is not entitled to bail. Accordingly, bail application filed on behalf of applicant/accused Seema Rani @ Simran

is dismissed. Police Record be returned and bail application papers be consigned to Record Room.

Pronounced in open court.

Dt. 09.09.2019.

'Vinay Kumar', Steno-I

(Vijay Kumar)

Addl. Sessions Judge,

Fazilka. UID No: PB0154