

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

CRM-M-12208-2015

Date of decision: 29.4.2015

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.GS Bedi, Advocate for the petitioner

Ms.Mahima, AAG, Haryana assisted by
SI Yashbeer

SNEH PRASHAR, J.

The instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No. 514 dated 2.12.2014 registered under Sections 498-A, 304-B/34 of the Indian Penal Code at Police Station Pataudi, District Gurgaon.

Kavita daughter of complainant Umed Devi, who was married to Sandeep Kumar (petitioner) had died by hanging/ consuming poison on 23.9.2014. On 2.12.2014 complainant lodged a report with the police that her daughter Kavita was being maltreated and tortured for demand of additional dowry by her husband and other members of in-laws family. They were demanding Rs.5 lacs, which her father had

received on his retirement. On 22.9.2014 she had apprised her of the ill treatment she was facing at her in-laws place. She intimated that her husband Sandeep had torn her clothes in Tizara and had threatened to treat her in similar manner till she would bring Rs. 5 lacs.

The submissions made by Mr.GS Bedi, Advocate representing the petitioner and Ms.Mahima, Assistant Advocate General, Haryana for the State have been heard.

It was argued on behalf of the petitioner that he is serving in Indian Army as Sepoy. There had been no matrimonial discord between him and his wife and he had been falsely implicated by the mother of the deceased. Immediately after the occurrence, father of the deceased had given a statement to the police that his daughter was short tempered and nobody was responsible for her death and that he did not want any legal proceeding relating to her death. It was after two months that the complainant lodged the First Information Report manipulating a false story. He further argued that the deceased had suffered a miscarriage on 4.9.2014 because of which, she was mentally disturbed and she committed suicide. Submitting that nothing is to be recovered from the petitioner, learned counsel prayed that he be given the concession of anticipatory bail.

The prayer of the petitioner was opposed by the learned State counsel. She submitted that it has come during investigation that the deceased was poisoned and then hanged. She died in mysterious circumstances at her matrimonial house within two years of her marriage with the petitioner.

Apparently, the allegations against the petitioner are that his wife Kavita (deceased) was a victim of dowry death. The complainant, who is mother of the deceased, mentioned in her complaint that on 22.9.2014, her daughter Kavita had come to her and had apprised her of the harassment and torture, she was facing at the hands of her husband etc. Immediately, thereafter on 25.9.2014, Kavita died in mysterious circumstances at her matrimonial home.

Considering the gravity of crime and without going into the merits of the case and lest any expression above may prejudice the case of either side, in my considered opinion, no case for grant of anticipatory bail to the petitioner is made out and the present petition is dismissed.

29.4.2015
gsv

(SNEH PRASHAR)
JUDGE