

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15275 of 2015

Date of Decision : 12.05.2015

Rakesh Kumar and another

.....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Rishi Pal Rana, Advocate
for the petitioners.

R.P. Nagrath, J.

Prayer in the instant petition is made for grant of anticipatory bail under Section 438 Cr.P.C. in FIR No. 809 dated 16.12.2014 for offences under Sections 406, 498-A, 323, 354, 420 and 506 of Indian Penal Code (IPC), registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

I have heard learned counsel for the petitioners and perused the paper-book.

Learned counsel for the petitioners submitted that petitioners are parents of the husband of complainant. Husband of the complainant was arrested and released on regular bail by the Court of Magistrate. It was further submitted that conduct of the complainant as reflected in the conversation with petitioner no. 1 would show that she is a quarrelsome lady which has resulted into

difference in the matrimonial life of the son of petitioners with the complainant.

I find the above contention to be not helpful to the petitioners. This was the second marriage of the son of petitioners. The first wife of the son of petitioners had died under mysterious circumstances. FIR No. 324 dated 11.10.2007 (2014 sic) was registered against the petitioners and their son for committing dowry death of their daughter-in-law on 10.10.2007 in which all of them were convicted under Section 304-B IPC. The son of petitioners was awarded the sentence to undergo 10 years of rigorous imprisonment and the petitioners themselves rigorous imprisonment for 7 years vide judgment of the Sessions Court dated 08.09.2009. It was the version in the FIR that at the time of marriage of the complainant with son of petitioners, it was projected that first wife of the son of petitioners inadvertently took some tablets meant for wheat preservation but it was learnt that petitioners and their son were in fact prosecuted for the offence under Sections 304-B IPC.

In the instant FIR there are serious allegations against the petitioners, for demand of dowry and treating the complainant with cruelty. The date of marriage is 26.01.2014 and the girl was turned out of the matrimonial home just about six months of marriage i.e. on 26.06.2014.

It also seems that the conversation between petitioner no. 1 and the complainant, transcription of which is Annexure P-2, that petitioner no. 1 provoked the complainant to speak out and

conversation was recorded after the complainant became furious. Annexure P-2 shows that someone else connected the complainant on phone and then handed over the mobile handset to petitioner no. 1. Petitioner no. 1 on the other hand is only giving the response as 'hello hello' or 'yes yes' etc. without any reaction which would show his conduct. When the complainant, as per this conversation, says that she will take out procession of the lady of petitioner and used bad words and said that these people have taken licence to kill ladies and girls, the response of petitioner no. 1 is strangely 'yes yes'.

In view of the aforesaid circumstances, I do not find the petitioners to be entitled to extraordinary relief of anticipatory bail which has been rightly rejected by the Sessions Court.

Dismissed.

May 12, 2015
jk

(R.P. NAGRATH)
JUDGE