

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-20324 of 2014

Date of Decision: February 05, 2015

Kuldip Singh

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Randeep Singh, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

Mr. S.S. Behl, Advocate for the complainant.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

The present FIR No.45, dated 01.04.2014, under Sections 307/34, 302, 201 and 120-B of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Naggal, District Ambala (Sections 302, 201, 120-B IPC added later on) on the dying declaration of Parminder Kaur, wife of the petitioner. The dying declaration was recorded by Judicial Magistrate 1st Class, Chandigarh, in the Govt. Medical College and Hospital, Sector 32, Chandigarh, in which she stated that her father-in-law and uncle-in-law set her on fire and mother-in-law and aunt-in-law caught hold of her. She stated that her husband was not at home. He is in Army.

In the supplementary dying declaration recorded by the Investigating Officer, she stated that her husband, who was in Army

used to instigate her parents-in-law on telephone on the ground that she had not given birth to any child. Parminder Kaur is now dead. Offence under Section 302 IPC has been added.

At the initial hearing, the petitioner was directed to join the investigation. However, it comes out from the order dated 15.07.2014 that the petitioner appeared before the Investigating Officer but later on, declined to join the investigation. He was again directed to join the investigation, which he did.

However, as the petitioner has claimed that he was on active duty in Army in Arunachal Pardesh, the police was directed to submit the call details of the petitioner and examine whether he has abetted the commission of crime. The call details have been obtained, which show that some calls were regularly made from the phone of the petitioner to his family, though, it was not known, who attended the call. What transpired during the conversation is also a matter of investigation. However, it corroborates the dying declaration of the deceased made before the police that her husband had abetted the commission of crime.

In view of the serious allegations, I do not find the present petition to be a fit case for grant of anticipatory bail to the petitioner. The same is accordingly dismissed.

February 05, 2015
sarita

(KULDIP SINGH)
JUDGE