

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-2890 of 2015

.....

Date of decision:21.2.2015

Neema

.....Petitioner

v.

State of Punjab

.....Respondent

....

(2) Criminal Misc. No.M-3582 of 2015

.....

Sunil Kumar alias Sonu

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Rajwant Singh Chahal, Advocate for the petitioners.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions
filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR
No.104 dated 4.12.2014 registered for the offences under Sections 304-B
and 34 IPC at Police Station Naya Gaon, District S.A.S. Nagar (Mohali).

Notice of motion has been issued in these cases.

Mr. S.S. Chandumajra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and

contested these petitions.

I have heard learned counsel for the petitioners and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that in the present case FIR has been registered on the statement of Amar Singh uncle of the deceased Rachna Devi. As per the allegation, Rachna Devi was married with Sanjay Kumar on 9.12.2010. Two children were born from the wedlock. As per the allegation in the FIR ₹50,000/- were demanded and were given to Sanjay Kumar husband and Satya Devi mother-in-law and Rachna Devi (since deceased) told the complainant that they are demanding more dowry. It is also stated in the FIR that they keep on demanding money for the construction of the house. Sanjay Kumar, Seema Devi sister-in-law and Sonu brother-in-law demanded dowry. Petitioner Neema Devi is stated to be married sister-in-law residing separately away from the matrimonial house of the deceased. Son is Devar (younger brother of the husband) of the deceased. There is no specific allegations of any type in the FIR that any one of them said or done anything to harass the deceased or raised any demand. Only in one line, the names of the accused-petitioners have been mentioned that they demanded dowry.

Keeping in view the facts and circumstances of the present cases, it is debatable whether both these petitioners have any role to play in the commission of the offence.

Therefore, finding merit in the petition filed by Neema married

sister-in-law, I accept the same. As she has already joined the investigation and no more required for custodial interrogation, therefore, the order dated 28.1.2015 passed by this Court granting interim bail to her is made absolute. However, Neema-petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

As regards petitioner Sunil Kumar alias Sonu, as discussed above, only his name has been mentioned and no allegations have been levelled specifically of any type against him. He is neither required for custodial interrogation nor anything is to be recovered from him. No useful purpose will be served by sending him to custody.

Therefore, finding merit in this petition also, I accept this criminal miscellaneous petition and in the event of arrest, petitioner Sunil Kumar alias Sonu shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 21, 2015.

(Inderjit Singh)
Judge

hsp