

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9710 of 2015 (O&M)
Date of Decision: 9.7.2015

Jasbir Kaur and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. R.S.Cheema, Sr. Advocate with
Ms. Tanu Bedi, Advocate
for the petitioners.

Mr. Ashish Yadav, Additional A.G. Haryana.

Mr. P.S.Hundal, Sr. Advocate with
Mr. H.S. Hundal, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek pre-arrest bail in FIR No. 791 dated 2.10.2014 registered under Sections 498-A/406/304-B/315/34 IPC at Police Station Civil Lines, Karnal.

Notice of motion was issued and interim protection was granted.

Learned senior counsel for the petitioners submits that in compliance of the order dated 9.4.2015, petitioners came to India and joined the investigation. He further submits that petitioners cooperated with the investigating agency and got recovered all the dowry articles/Istridhan, which were in possession of the petitioners. Remaining dowry articles/Istridhan, if any, are not in the possession

of the petitioners. He submits that deceased hardly stayed for about 1½ months in her in-laws' house. It is the own set up case of the complainant-father of the deceased that he took along the deceased with him to his house at Karnal on 24.4.2014. It is also not in dispute that the deceased committed suicide at her parents' house at Karnal. He further submits that allegations levelled against the petitioners were general in nature. Petitioner No.2 as well as husband of the deceased were income tax payee. Family was already having two cars and in this view of the matter, allegation of demanding Innova car by the petitioners does not appeal to reason. He concluded by submitting that since the petitioners have not misused the concession of interim anticipatory bail granted by this Court, vide order dated 9.4.2015, the same deserves to be confirmed. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Satbir Singh, P;S. Civil Lines, Karnal, submits that although the petitioners have joined the investigation, yet all the dowry articles have not been recovered so far. He also refers to a communication dated 2.10.2014 (Annexure P-13), allegedly sent by the deceased to her husband by an E-mail, to submit that in the circumstances of the case, it can be treated as a dying declaration. He would next contend that since the allegations against the petitioners are direct and specific, they are not entitled for the concession of anticipatory bail. He prays for dismissal of the present petition.

Similarly, learned senior counsel for the complainant

vehemently contended that an unnatural death took place within one year of the marriage. Petitioners are in-laws of the deceased. He further submits that since the deceased was being put to harassment and ill-treatment by family members of her husband, including the petitioners, they are not entitled for the concession of anticipatory bail. He also submits that since the charge under Sections 304-B/34 IPC has already been framed against the principal accused-Maninder Pal Singh-husband of the deceased, petitioners are also likely to be charged for the same offence. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioners have been found entitled for the concession of anticipatory bail. It is so said, because the petitioners are senior citizen. No doubt, petitioners are father-in-law and mother-in-law of the deceased, but the fact that the deceased was living with her parents at Karnal for about 5 months immediate before her death, is also a material fact and cannot be ignored.

Further, a detailed conversation between the husband and wife on the date of incident itself, which is available on record as Annexure P-12, goes to show that the present petitioners had no role to play. Learned counsel for the respondents have not alleged that petitioners have made any attempt to misuse the concession of interim anticipatory bail granted by this Court.

In view of the above and without commenting any further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, order dated 9.4.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

9.7.2015
Ak Sharma