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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 523/2016**

BALDEV DABAS

..... Petitioner

Through: Mr.J.K. Sharma, Advocate and
Mr.Sidharth Pandit, Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Ajay Kumar, PS Bawana.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.04.2016

1. The present bail application has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0679/2015 under Section 306 IPC, PS Bawana, Delhi.
2. I have heard learned counsel for the petitioner as well as learned APP for the State and carefully gone through the record.
3. Mr.J.K.Sharma, Advocate for the petitioner has submitted that the petitioner has already joined and co-operated in the investigation. He has further submitted that in view of the peculiar facts of this case, the petitioner may be granted anticipatory bail so that while continuing in service, he can also take care of his children
4. Ms.Kusum Dhalla, learned APP for the State has submitted that the petitioner has fully cooperated with the investigating agency and appropriate

order may be passed taking into consideration the facts and circumstances of the case.

5. In this case, the petitioner has been accused of abetting the commission of suicide by his wife in the complaint filed by Sh.Dharam Pal – father of the deceased.

6. In the complaint case filed by the complainant Sh.Dharam Pal, learned Magistrate, in exercise of power vested under Section 156(3) Cr.P.C., ordered for registration of FIR. Pursuant to the directions of learned Magistrate, FIR No.0679/2015 under Section 306 IPC has been registered against the petitioner at PS Bawana, Delhi.

7. In the complaint case, the complainant Sh.Dharam Pal – father of the deceased has stated that his daughter Rekha got married to petitioner Baldev Dabas in December 2000. The petitioner was having illicit relationship with his sister-in-law Nidhi, wife of Sh. Kuldeep and due to that reason the petitioner had been causing mental and physical torture to Rekha. When on 24.06.2015 the petitioner had given beatings to his wife, the matter was also reported to police control room.

8. In the status report filed by the State it is mentioned that as per the MLC No.3598/15 the deceased Rekha was declared brought dead on 29.08.2015. The post-mortem was conducted at BSA Hospital and cause of death was opined as death due to asphyxia consequent to hanging. It is further mentioned in the status report that Harshit Dabas son of the deceased and the petitioner has been examined under Section 164 Cr.P.C. wherein he has stated that his parents used to live happily and on the date of incident also there was no altercation between his father and mother.

9. During the course of investigation, the petitioner handed over a chit to

the investigating agency which he allegedly recovered from his house, which is to the following effect:

*“MEIN AAPNE MARJI SE MARNE CHAHIYE HAI ISNE
HAATH NAHI HAI*

*s/d
REKHA”*

10. From the record, it can be gathered that the deceased had been married to the petitioner for about 15 years and during this long married life, there was no complaint against the petitioner of any kind except the information to PCR on 24.06.2015. Even that information to PCR, on verification, was found to be not at the behest of deceased but by her father and the DD entry was filed in view of the statement made by wife of the petitioner that there was only small altercation.

11. Taking into consideration the facts and circumstances of the case, it is directed that in the event of arrest, the petitioner be released on bail on his furnishing personal bond in the sum of ₹ 50,000/- with one surety of the like amount to the satisfaction of IO/SHO concerned. However, the petitioner is directed to join the investigation as and when required by the IO/SHO concerned.

12. Bail application stands allowed.

13. The observations made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

As prayed, copy of the order be given dasti to learned counsel for the parties.

PRATIBHA RANI, J.

APRIL 19, 2016/‘st’