

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

Crl. Misc. M-26940 of 2017 (O&M)  
Date of Decision: August 11, 2017

Shiv Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Shiv Charan Bhola, Advocate  
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Aditya Sanghi, Advocate  
for the complainant.

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**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail and issuance of directions to the arresting officer to release the petitioner on bail, in the event of his arrest in FIR No. 269 dated 02.06.2017, under Sections 306 and 498-A of Indian Penal Code, registered at Police Station Kharkhoda, District Sonapat.

2. The petitioner herein is the husband of deceased Rachna, who committed suicide, while in her matrimonial home. The FIR was registered at the behest of the brother, who mentioned that his younger sister Rachna got married to Shiv Kumar, the petitioner, on 25<sup>th</sup> of March 2007. Sufficient dowry was given at the time of marriage, but Rachna was harassed on account of insufficient dowry. Several panchayats were

convened and Shiv Kumar, the petitioner herein, gave assurance to keep her properly. In the month of April 2017, a sum of Rs.50,000/- was given to Shiv Kumar, however, the deceased was pressurized to bring more money from her parental home. On 2<sup>nd</sup> of June 2017, the complainant came to know that his sister Rachna had committed suicide, which led to the registration of the instant FIR.

3. Mr. Shiv Charan Bhola, learned counsel appearing on behalf of the petitioner contends that the allegations, as set out in the FIR, are not sustainable, on account of the fact that deceased committed suicide after 10 years of marriage and that too, while he was not at home. It is further argued that the petitioner was at the hospital for treatment of his mother, who has been diagnosed with cancer. It is further submitted that before this date, no complaints had ever been made pertaining to any harassment of any kind by the complainant.

4. Mr. Aditya Sanghi, learned counsel puts in appearance on behalf of the complainant and opposes the grant of bail to the petitioner herein. Ms. Gaganpreet Kaur, learned AAG Haryana submits that the petitioner would not be entitled to the grant of pre arrest bail, since they are specific allegations, as made out in the FIR, that the deceased had been subjected to cruelty for the demand of dowry and as recently as April 2017, a sum of Rs. 50,000/- was handed over to the petitioner by the mother of the deceased.

5. I have heard counsel for the parties and have also perused the information as supplied by the State Public Information Officer, under RTI Act 2005, which would reveal that deceased Rachna had on earlier occasion

too lodged a complaint with the Women Cell, Rohtak about the ill-treatment being meted out to her, in which proceedings, the petitioner herein had promised not to harass in the future.

6. There are specific allegations in the FIR against the petitioner Shiv Kumar that he harassed the deceased and as recently as April 2017 i.e about 2 months before she committed suicide, that a sum of Rs. 50,000 was handed over to him by the mother of the deceased. At this stage, it cannot be said that the petitioner has been falsely implicated.

7. In view of the above facts and circumstances, there is no ground made out to grant pre arrest bail to the petitioner. The petition in hand is hereby dismissed. However, any observations made hereinabove are solely for the purpose of denying bail and not to be construed as an opinion on the merits of the case.

**August 11, 2017**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No