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

**CRM-M-32941-2017 (O&M)**
**Date of decision: 16.12.2017**

Charanjit Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. R.D. Bawa, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. H.P.S. Ghuman, Advocate,
for the complainant.

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

This is the second petition that has been filed for grant of anticipatory bail to the petitioners in case FIR No. 35 dated 14.05.2017 under newly added Sections 304-B, 313, 354C, 506 and 120-B IPC, which was earlier registered under Section 306 IPC only at Police Station Bakhshiwala, District Patiala.

In brief, the facts are that FIR No. 35 dated 14.05.2017 was got registered under Section 306 IPC, at Police Station Bakhshiwala, District Patiala by Kesar Singh on the allegations that his younger daughter Kanchan Verma had solemnised a love marriage with Tajinder Singh son of Darshan Singh, however, was subjected to physical beatings for bringing inadequate dowry, and a further allegation that they were forcing her to do wrong acts. Initially, against the demand of dowry and physical beatings an FIR No. 41 dated 18.03.2017 under Section 323 and 498-A IPC was got registered. Another FIR No. 35 dated 14.05.2017 under Sections 304-B,

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313, 354C, 506 and 120-B IPC, was got registered at Police Station Bakhshiwala, District Patiala after his daughter had hung herself and committed suicide. A detailed suicide note was left behind, hand writing of which has been confirmed in the FSL report to be that of the deceased.

Initially, the petitioners herein had filed **CRM-M-21605-2017** seeking anticipatory bail only under Section 306 IPC as registered in the FIR but on subsequent investigation, offences under Sections 304-B, 313, 354C, 506 and 120-B IPC were also added on the basis of the suicide note. This petition has been filed seeking grant of interim bail under the newly added Sections.

Learned counsel appearing on behalf of the petitioners contends that since the petitioners have been granted anticipatory bail in FIR No. 35 dated 14.05.2017 under Section 306 IPC and they have joined investigation, the interim protection granted to them should also be extended to the newly added Sections 304-B, 313, 354C, 506 and 120-B IPC as well.

Appearance has been caused by Mr. H.P.S. Ghuman, Advocate, on behalf of the complainant who vehemently opposes the grant of interim bail under the newly added Sections by relying upon a judgment rendered by the Supreme Court in ***Prahlad Singh Bhati vs. N.C.T., Delhi, 2001(2) R.C.R. (Criminal) 377.*** Counsel for the complainant argues that mere on account of the fact that initialy anticipatory bail had been granted for a lesser offence the petitioners would not be entitled to insist for bail for newly added offences.

I have heard learned counsel for the parties and have also gone through the pleadings of the case with the assistance of learned counsel for

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the parties.

Admittedly, two FIRs have been registered at the behest of the complainant Kesar Singh, father of the deceased Kanchan. In the first FIR that was registered, only provisions of Sections 323 and 498-A IPC had been invoked. Subsequently, after two months of the FIR being registered deceased Kanchan died in her paternal home leaving a suicide note. The matter was investigated and initially an FIR was registered under Section 306 IPC itself and only subsequently after the affirmation of the FSL report of the Handwriting expert, the allegations in the suicide note led to the invoking of provisions of Sections 304-B, 313, 354C, 506 and 120-B IPC. The petitioners had availed anticipatory bail only under Section 306 IPC and in terms of the judgment rendered in ***Prahlad Singh Bhati's*** case (supra) the petitioners are required to apply for bail in the trial Court.

Therefore, this petition is being disposed of while permitting the petitioners herein to apply for anticipatory bail in the trial Court. If any such application is filed within a period of seven days from today, the trial Court is directed to decide the matter on its own merits in accordance with law. However, the arrest of the petitioners is stayed for a limited period of seven days from today in order to enable them to file an application before the trial Court for grant of anticipatory bail.

**16.12.2017** **(JAISHREE THAKUR)**
***Satyawan*** **JUDGE**

Whether speaking/reasoned Yes.
Whether reportable No.

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