

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

Crl. Misc. M-33205 of 2017 (O&M)
Date of Decision: September 15, 2017

Ram Saran and another

...Petitioners

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhishek S. Bhaskar, Advocate
for the petitioners.

Mr. Abhaypal Singh Gill, AAG Punjab.

Mr. Dinesh Mahajan, Advocate
for the complainant.

Complainant Ramesh Chand and his wife Santosh Devi in
person.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioners in FIR No.47 dated
23.07.2017, under Sections 306, 34 of Indian Penal Code, registered at
Police Station Kanwan, District Pathankot.

Counsel for the petitioners contends that petitioners herein,
who are father-in-law and mother-in-law of the deceased, are falsely
implicated in the present case. In fact, son of the petitioners was already

living separately from them. It is submitted that around 11 months back from the incident, brother of the deceased had accidentally fallen into the river and died, due to which deceased went into depression. It is contended that marriage of the deceased was solemnized in January 2011 and since then there is not a single incident of maltreatment. It is also argued that deceased committed suicide at her parental village and her dead body was also recovered from the area of her parental house.

Per contra, Mr. Dinesh Mahajan, Advocate for the complainant as well as Mr. Abhaypal Singh Gill, AAG Punjab, on instructions from ASI Balkar Singh, oppose the grant of anticipatory bail to the petitioner, while submitting that offences against the petitioners are serious in nature. It is also contended that the deceased was subjected to cruelty and demand of dowry at the hands of the husband and in-laws and in this regard complaints had been made.

I have heard counsel for the petitioners, apart from perusing the record of the case.

A perusal of the FIR, which was lodged at the behest of the complainant i.e. father of the deceased, goes on to show that apart from the husband of the deceased, there are specific allegations levelled against the present petitioners, who are father-in-law and mother-in-law of the deceased that the deceased was being given beatings and tortured by them for the demand of money. It is also mentioned in the FIR that earlier the matter was also reported to SSP Pathankot and Police Station Sujjanpur, where the matter was compromised with the intervention of respectable persons. It is also stated that despite the said compromise, nothing had changed, the

petitioners and their son never stopped torturing his daughter. It is specifically mentioned that as the deceased was fed up from the torture at the hands of her husband and the present petitioners, she decided to end up her life by jumping into the river.

After considering the arguments of both the sides, this court is of the view that there are specific allegations levelled against the petitioners, which led to the commission of suicide by the deceased. The deceased left the matrimonial home and did not return and the body was recovered from the canal next day. Earlier also the matter was reported to the police regarding the beating being given to the deceased for the demand of dowry. This is a case in which custodial interrogation is required for the result oriented interrogation.

In view of the above, the petition is hereby dismissed.

At this stage, complainant Ramesh Chand, who is present in court along with his wife Santosh Devi have prayed for custody of the minor children of the deceased. It is the contention of counsel for the complainant that husband of the deceased is already in custody and the present petitioners, who are grand parents of the minor children, are also evading arrest and thus not in a position to look after the minor children.

Keeping in view the facts and circumstances of the present case, this court is of the view that it would be in the interest of justice and welfare of the children, if the custody of the minor children of the deceased is handed over to the complainant and his wife, who are maternal grand parents of the minor children. Ordered accordingly. However, on release of the petitioners/husband of the deceased on bail, they are at liberty to seek

the custody of the minor children.

The petition stands dismissed with the aforesaid directions.

September 15, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No