

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

Crl. Misc. M 36759 of 2016 (O&M)
Date of decision: 11.7.2017

Rajbir and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sumeet Goel, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Jagbir Kaushik, Advocate,
for the complainant.

JAISHREE THAKUR, J.

1. The instant Criminal Miscellaneous Petition has been filed under section 438 Cr.P.C seeking grant of anticipatory bail in FIR No 432 dated 29.6.2016 registered at Police Station City Rohtak Haryana under Sections 498A, 323, 406 and 304-B IPC.

2. Mr. Sumeet Goel, learned counsel appearing on behalf of the petitioner, *inter alia* contends that a reading of the FIR would indicate that there is no demand for dowry and that the deceased had consumed poison by mistake, while she was residing with her parents in her parental house. It is also submitted that the statement was recorded by the police and affirmed by the mother, while she was admitted in the hospital and there is no explanation forth coming as to why such a statement was made. It is also

argued that that the suicide note was produced before the police after a month of the date of death i.e on the 25.8.2016 raising a suspicion about its authenticity. It is also argued that the petitioners were granted anticipatory bail and have joined investigation.

3. Per contra, the counsel for the State and the complainant would urge that the deceased had got married only in the year 2014 and was ill-treated, subjected to beatings and harassment on account of bringing less dowry. It is urged that within a short period of two years, the treatment meted out was such that she was compelled to take poison. A suicide note was found and it was handed over to the police on the 25.7.2016 itself the date of death and not after one month as alleged.

4. I have heard the counsel for the parties as well as the perused the record of the case and the SFL report on the suicide note.

5. Admittedly, there is an unfortunate incident leading to the death of a young woman in the prime of her life. FIR No. 432 dated 29.6.2016 was registered under Sections 498A and 406 IPC by the deceased at Police Station City Rohtak, Haryana, on the allegations of receiving injuries at the hands of the husband and in-laws with demand of dowry. After lodging of the FIR and investigation, the complainant deceased consumed poison and was admitted into hospital where she suffered a statement that she had consumed poison by mistake. This statement was supported by the mother. However, the complainant died on 25.7.2016. The father of the complaint found a suicide note which was handed over to the police, as per his statement recorded on the 25.7.2016 itself. The suicide note was sent for comparison of handwriting and the report has been received and perused by

this court which is not favorable.

6. The power to grant anticipatory bail must be exercised by the Court in very exceptional cases. The court must be satisfied that there is a reasonable cause and a reasonable ground for grant of anticipatory bail. There is no straight jacket formula which can be applied and in such a situation the grant or refusal to grant anticipatory bail would depend on the circumstance of each case. Here, the complainant alleged harassment at the hands of the accused for bringing less dowry plus alleged beatings and within days of FIR being registered she consumed poison and ultimately died within a period of two years of her marriage . The report, as received on the suicide note sent for examination, is stated to have been written by her. The reply filed by the State shows that investigation against the petitioners is still pending. In the opinion of the court, there is every possibility of their hampering investigation which is reason enough to decline this petition.

7. Keeping in view the facts and circumstances of the present case, it cannot be held that there is no role of the petitioner in the present case. Otherwise also, keeping in view the serious nature of the allegations made against the petitioners, I do not find it a fit case where the present petitioners are entitled to the benefit of anticipatory bail.

8. Therefore, finding no merit in this petition, the same is dismissed.

11.7.2017

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No