

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

**CRM No.M-3877 of 2017
Decided on: 20.02.2017**

Champa Lal and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Sunil Chadha, Sr. Advocate
with Ms. Swati Singh, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Suvir Kumar, Advocate
for the complainant.

REKHA MITTAL, J.

The petitioners, summoned as additional accused under Section 319 of the Code of Criminal Procedure (in short 'Cr.P.C.') for commission of offence punishable under Sections 304-B/34 of the Indian Penal Code (in short 'IPC') pertaining to FIR No.130 dated 07.07.2015 registered at Police Station Division No.4, Ludhiana, pray for grant of bail in anticipation of arrest in pursuance of process issued by the trial Court for securing their presence.

Counsel for the petitioners has submitted that marriage of the deceased with son of the petitioners was performed on 30.01.2015 and Manju (since deceased) committed suicide on 06.07.2015 and the FIR was registered at the instance of Kahan Singh son of Amar Singh, father of the deceased. A detailed enquiry was conducted by SHO, Police Station Division No.4, Ludhiana and report dated 07.01.2016

was prepared exonerating the petitioners of their alleged culpability in regard to demand of dowry or harassment to the deceased in connection thereof. It is further submitted that during the course of enquiry, it was revealed that the deceased during a short interval of less than 06 months of her matrimonial life visited her parental house on 03 occasions and for a period of 83 days she stayed in her parental home. For the last time, the deceased stayed with her parents from 08.06.2015 till 04.07.2015. It is argued with vehemence that as the deceased stayed with her parents on 03 different occasions particularly 02 days before the occurrence, there was no reason for the deceased or her parents having not reported the matter to the police in case, she was actually being harassed on account of alleged demand of dowry. Further submitted that another enquiry was conducted by Deputy Commissioner Police, Ludhiana and the said authority agreed with the report dated 07.01.2016 whereby the petitioners were found to be innocent. The husband of the deceased was challaned and charge under Sections 304-B and 302 IPC was framed against him. The police submitted a supplementary report under Section 173 Cr.P.C. wherein the petitioners were kept in column No.2. The petitioners have been summoned as additional accused on the basis of incomplete statement of the complainant though in view of decision of the Constitutional Bench of Hon'ble the Supreme Court of India in ***“Hardeep Singh vs State of Punjab and others”***, 2014(1) RCR (Criminal) 623, examination-in-chief of a witness must be completed for the purpose of taking into consideration evidence on record for the purpose of exercise of jurisdiction under Section 319 Cr.P.C., to be used sparingly. The last

submission made by counsel is that custodial interrogation of the petitioners is not required in the circumstances, and they are ready to face the proceedings, in accordance with law. In support of his contention, he has referred to judgments of this Court ***“Bajinder Singh and another vs State of Punjab”***, 2015(3) RCR (Criminal) 950, ***“Ravi Kumar vs State of Haryana”***, 2015(5) RCR (Criminal) 895 and ***“Raj Kumar vs State of Haryana”***, 2000(3) RCR (Criminal) 71.

Counsel for the State assisted by counsel for the complainant would submit that the deceased committed suicide in her matrimonial home just within a period of 06 months from her marriage in January, 2015. It is further submitted that the very fact that the deceased died an unnatural death within a short span of her marriage would indicate that she was being treated with cruelty and subjected to harassment on account of demand of dowry/cash, put-forth by father of the deceased. Another submission made by counsel for the complainant is that an application under Section 311 Cr.P.C. has been filed for producing additional evidence to prove that the deceased sustained injuries at the hands of the accused.

I have heard counsel for the parties, perused the paperbook and the report submitted under Section 173(8) Cr.P.C.

Concededly, the petitioners have been summoned as additional accused to face trial along with Jatinder Singh – husband of the deceased charged for committing offence punishable under Sections 304-B and 302 IPC, on the basis of statement of Kahan Singh – complainant partly examined-in-chief. The petitioners were found innocent during investigation in view of the 02 reports dated

07.01.2016 and dated 22.01.2016. Custodial interrogation of the petitioners is not required as they have been summoned to face trial as additional accused.

As per the allegations in the FIR, after some time of marriage, in-laws family of daughter of the complainant started demanding money and a car and they used to harass her. Manju Raj Purohit finished her life by hanging on account of having suffered harassment from her husband, father-in-law and mother-in-law. There is no reference in the FIR as to what type of harassment was being caused to the girl in connection with the alleged demand. Counsel for the complainant has nothing to say with regard to stay of the deceased in her parental home for a period of 83 days out of approximately 160 days of married life as detailed in the report of SHO, Police Station Division No.4, Ludhiana.

Taken from another angle, if the girl was residing at her parental home due to some difficulty created by her in-laws family, it is surprising that they did not report the matter to the police even at the time of her last visit and stay between 08.06.2015 to 04.07.2015.

Taking into consideration cumulative effect of the facts and circumstances of the present case when examined in the light of judgment of this Court in ***Bajinder Singh and another's case (supra)*** wherein the Court has relied upon landmark judgment of Hon'ble the Supreme Court of India "***Gurbaksh Singh Sibbia vs The State of Punjab***", 1980 AIR (SC) 1632, in my considered opinion, the petitioners deserve to be allowed benefit of bail in anticipation of arrest.

Accordingly, the petition is allowed and the petitioners are directed to

appear before the trial Court within a period of 10 days. On their appearance, they shall be released on bail subject to satisfaction of the trial Court. However, they shall abide by the following conditions:-

- (i) They shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and*
- (ii) They shall not leave India without the previous permission of the Court.*

However, nothing stated hereinbefore shall be construed as an expression of opinion on merits nor will cause prejudice to either of the parties during course of trial.

20.02.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No