

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

CRM-M-45589 of 2017(O&M)

Date of Decision: 12.12.2017

Rajinder Kumar and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.J.S.Thakur, Advocate
for the petitioner.

LISA GILL, J (Oral).

Petitioners seeks the concession of anticipatory bail in FIR No. 37 dated 18.02.2016, under Sections 304-B IPC (later on added Sections 302 and 120-B IPC), registered at Police Station Rama Mandi, District Jalandhar.

As per the allegations in the Fir, which is registered on a statement of the father of the deceased, his daughter was married to the petitioner's son about six years prior to the incident. One daughter was born out of this wedlock. It is stated that a few months after the marriage, the husband of the deceased as well as the petitioners, who are her parents-in-law started harassing her and ill-treating her. They demanded money. It is alleged that the complainant's daughter was subjected to physical abuse and thrown out of the matrimonial home. About one and a half year prior to the incident in question, the matter was resolved at the office of the Police Commissioner, Jalandhar. The complainant's daughter expressed her unwillingness to return to her in-laws' house as she feared that she might be

killed. Thereafter, a *Panchayati* compromise was effected about three months prior to the incident and the complainant's daughter went back to her in-laws' house. It is stated in the FIR that the complainant received a telephonic call at about 7.00 a.m. on 18.02.2016 informing him that his daughter has died. He rushed to the house of matrimonial home of his daughter and found the dead body of his daughter on a bed. The complainant prayed for legal action as he was sanguine that the complainant's daughter had been killed by her husband in connivance with his parents i.e. the petitioners. It is further stated that the complainant's other daughter (sister of the deceased) informed him that two days prior to the incident, she had received a call from the deceased disclosing that she was subjected to physical abuse.

The present petitioners were declared proclaimed offenders on 06.12.2016. The petitioners son, it is submitted suffered a disclosure statement in police custody to the effect that relations between him and his wife were strained. Parents of the deceased had not given much dowry, therefore, there used to be acrimony in the house, due to this reason. It is stated in the disclosure statement that Shivani, the complainant's daughter brought ₹40,000/- from her parents and gave it to them, which was used for their everyday expenses, their financial condition not being good as well as the petitioners son's habit of imbibing alcohol regularly. The acrimony between them continued and the deceased left the matrimonial home. Thereafter, a *Panchayati* compromise was worked out. Three months prior to the incident, it is stated that the petitioners son brought back the deceased. For sometime things remained peaceful, but thereafter, their relations became strained again. The deceased, it is stated stopped him from drinking and the petitioners son would stop her from working. The petitioner's son

stated that on 18.02.2016, after having their meals, he and his wife (deceased) retired to their room. While having a cup of tea the deceased told him to stop imbibing liquor. He retorted by saying that she should stop working. Thereafter, it is stated by the petitioner's son that he in anger with his bare hands strangled his wife, due to which she died. Being scared, he fled away with his and his wife's mobile phone.

It is stated that thereafter, an inquiry was conducted into the matter and though the petitioners were earlier declared proclaimed offenders, they were declared innocent. Supplementary challan was accordingly presented. However, the learned Additional Sessions Judge, Jalandhar, vide order dated 24.10.2017, did not accept the same and initiated proceedings under Section 299 Cr.P.C.

I have heard learned counsel for the petitioners at length.

There are serious allegations against the petitioners. The confessional statement of the co-accused, at this stage, cannot be a ground to afford the concession of anticipatory bail to the petitioners.

Keeping in view the facts and circumstances of this case but without expressing any opinion on the merits of the case, this petition is dismissed.

12.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.