

**In the High Court of Punjab and Haryana
at Chandigarh**

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CRM M 5210 of 2017
Date of Decision: 18.04.2017

Vicky alias Manoj

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Dinesh Arora, Advocate
for the petitioner

Mr. Vikas Malik AAG, Haryana

Mr. Sanjiv Kumar Aggarwal, Advocate
for the complainant

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Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 382 dated 31.07.2016 for offence punishable under Sections 304-B, 306 and 406 of the Indian Penal Code (in short, IPC) registered with Police Station P.G.I.M.S, Rohtak, District Rohtak.

Counsel for the petitioner has submitted that marriage of the petitioner with the deceased was performed on 09.10.2013. Immediately after the marriage, it was found that the deceased was suffering from some psychological problem. She was taken to Oscar

Hospital, Rohtak and was referred to Dr. D.K. Puri and was admitted in the Hospital on 21.10.2013. She was taken to Mool Chand Clinic, Lajpat Nagar, Delhi and PGIMS, Rohtak in November and December 2013 as per documents appended with the application. Thereafter, she was taken to the Institute of Human Behaviour and Allied Sciences, Delhi on 24.01.2014 where she was called on various dates and the documents in this regard have been placed on record. The petitioner submitted an application dated 31.07.2014 (Annexure P5) for taking action against father and relatives of deceased wherein it was specifically mentioned that conduct and behaviour of Sapna, immediately after marriage, indicated that she was suffering from some serious mental problem. It is further argued that Sapna went back to her parental home on 01.06.2016 and she committed suicide on 31.07.2016 while she was staying at her parental house. The petitioner filed a petition under Section 13 of the Hindu Marriage Act, 1955 on 22.07.2016 wherein he gave a detailed account with regard to behaviour of the deceased as well as her treatment in various hospitals from 21.10.2013 onwards.

Another submission made by counsel is that the deceased allegedly suffered a statement, basis of the FIR, to the effect that her marriage was solemnized three years ago; her husband used to demand money; he used to say that business was not going good; getting fed up, she poured petrol on herself and burnt. It is further

argued that as the deceased at the relevant time was residing in her parental house, statement of the deceased recorded by the Judicial Magistrate on 31.07.2016 cannot be said to be without influence of her parental family particularly in the circumstances that as per the report submitted by the Forensic Science Laboratory in regard to the alleged suicide note left behind by the deceased, the last line in the suicide note attributing blame to her in-laws has tint of ink as well as nature of writing used for writing the other contents of the alleged suicide note to be different. Further argued that the deceased has tried to implicate the husband and his family members but challan has been presented only against the husband and others have been declared innocent. The last submission made by counsel is that on completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time.

Counsel for the State of Haryana assisted by Shri Sanjeev Kumar Aggarwal, Counsel for the complainant, has opposed the prayer for bail with the submission that keeping in view gravity of allegations coupled with the statement made by the deceased while lying admitted in the Hospital, the petitioner does not deserve to be enlarged on bail.

I have heard Counsel for the parties, perused the paper book and the police records.

No submissions have been made by counsel for the

complainant in regard to documents qua treatment of the deceased in regard to some issue of psychiatry. Admittedly, the deceased was staying with her parental family about two months prior to the occurrence. As per report of the Forensic Science Laboratory, the last line in the suicide note in Hindi and translated in English “*that is why I am committing suicide for which my in-laws will be responsible*”, tint of ink as well as nature of writing used for writing other contents of the suicide note is different. On completion of investigation, challan has already been presented in the Court. It would be a moot point during course of trial if the alleged demand of money due to business of the husband being bad amounts to demand of dowry. As investigation is already over and challan is presented in the Court, custody of the petitioner is not required except to face criminal proceedings. There is no allegation that he is likely to flee from process of justice in case enlarged bail.

In view of the above, without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he 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 him from disclosing such facts to the Court or to any police officer; and

(ii) he shall not leave India without
previous permission of the Court.

(Rekha Mittal)
Judge

April 18, 2017
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*