

**211-b IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No. M- 7236 of 2017 (O&M)

Date of decision : September 13, 2017

Anil Sood and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.S. Dadwal , Advocate
 for the petitioners.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. R.S. Athwal, Advocate
for the complainant.

LISA GILL, J.

The petitioners, who are the parents-in-law of the deceased, seek the concession of anticipatory bail to the petitioner in FIR No. 147 dated 25.10.2016 under Sections 498A, 306 IPC (Sections 304B, 307, 34 IPC added later) registered at Police Station City Hoshiarpur.

It is submitted that the present petitioners have been involved in this case due to their relationship with the deceased. Marriage between the petitioners' son and the complainant was solemnised on 11.05.2011. Two children were born out of this wedlock. The deceased, it is submitted, was suffering from Epilepsy. The petitioners were ensuring her treatment. As per the averments in the FIR, the deceased was driven out of the matrimonial home on 28.09.2016. The petitioners alongwith others had allegedly beaten her, kerosene oil was poured on her and an attempt was made to set her on fire. The deceased thereafter started residing in her parental home. She, however, passed away on 25.10.2016, while she

was in her parental home. Cause of death is poisoning due to Organophosphorus compound. Therefore, the petitioners cannot be held responsible for her unfortunate death in any manner.

It is further argued that the alleged letter written by the deceased in the year 2015 alleging harassment at the hands of the accused cannot be relied upon for the reason that as per the FSL report, hand writing on the said letter is not authenticated as no specific opinion has been expressed in the FSL report. Moreover, the petitioners have joined investigation pursuant to interim order passed by this Court. Final report under Section 173 Cr.P.C., in this case, has since been presented. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant while opposing this petition submits that there are specific allegations of harassment at the hands of the petitioners. Reference is made to medico legal report dated 28.09.2016 to submit that the incident on the said date indeed took place. DDR No. 37 dated 28.09.2017 in this respect was lodged. However, it is not denied that death took place in the parental home due to poisoning.

Learned counsel for the State, on instructions from ASI Balkar Singh, verifies that the petitioners have joined investigation. It is further verified that final report under Section 173 Cr.P.C. has been presented. The petitioners are not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 10.05.2017 is made absolute.

September 13, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No