

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-26739 of 2018 (O&M)
Date of decision : November 15, 2018

Sudesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Shubhankar Baweja, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana for the State
Mr. Karan Singh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application under Section 438 Cr.P.C. filed in case bearing FIR No. 189 dated 1.6.2018, under Sections 306, 304-B, 34 IPC, Police Station Ladwa Kurukshetra by accused Sudesh.

The facts that have been highlighted before this Court are that the present case was got registered on the statement of Manoj Kumar who happens to be brother of Sapna now deceased. In his complaint he has alleged that marriage between Sapna and Roopak took place in the year 2016 and a baby girl was born to the couple who died soon thereafter. It

was alleged that present petitioner mother-in-law Sudesh used to torture the deceased and few days prior to this occurrence the deceased had gone to the house of her parents and disclosed the ill-treatment at the hands of the accused on account of which the deceased was under shock. The petitioner had told the deceased not to return back to her matrimonial home and instead should die by hanging herself and on account of ill-treatment and abetting the deceased was forced to take harsh steps in committing the suicide.

Mr. Shubhankar Baweja, learned counsel for the petitioner has contended that the deceased was suffering from depression and neither there was any cause of cruelty or harassment on account of dowry and because of death of the newly born child compelled her to take drastic step and thus, prayed for grant of relief of anticipatory bail as there is no need of custodial interrogation.

Learned State counsel assisted by Mr. Karan Singh, counsel for the complainant has opposed the grant of bail on the grounds of heinousness of the crime arguing that the suicide note levels direct allegations against the petitioner mother-in-law and thus, she was not entitled to any relief.

Appreciating the submissions it is there in the case of the prosecution and the allegations that the suicide note so recovered during investigations clearly undermines the role assigned to the present petitioner mother-in-law of the deceased and on account of which the deceased was compelled to strangle herself by hanging. The death has taken place

within one and a half years of marriage and there are serious allegations of ill-treatment by the petitioner. The allegations are certainly very disturbing and no cause of grant of anticipatory bail is made out which is to be granted in rarest of rare cases. The bail application as such stands dismissed.

November 15, 2018

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No