

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 29718 of 2018 (O&M)

Date of decision : 21.9.2018

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Sushil Kumar Gavri

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

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

Mr. Dhruv Dayal, Senior DAG, Punjab

Mr. Prashant Bansal, Advocate for the complainant.

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H. S. Madaan, J.

This petition for regular bail has been filed by Sushil Kumar Gavri being an accused in FIR No. 115 dated 20.4.2018, for offence under Section 306 IPC, registered at Police Station City Rajpura, District Patiala.

Briefly stated, facts of the case as per the prosecution story are that the FIR in this case was lodged by complainant Barjender Kumar Arora s/o Basanda Ram Arora, r/o House No. B-5, Vivekanand Colony, Nawan Khera, Amba Bari, Police Station Vidya Nagar, Jaipur, by making a statement to the police, in which he stated that his sister Chander Kala was married with petitioner Sushil Kumar Gavri on 21.11.1997. The couple was blessed with a female child- Uma Gavri on 15.8.1998. Sushil Kumar Gavri was unhappy

over the birth of a girl child, since he wanted to have a male child. As such he started mis-behaving with his wife Chander Kala, giving her beatings and torturing her on various occasions without any reason. Daughter Uma Gavri grew up an adult but Sushil Kumar Gavri did not change his attitude and kept on harassing and maltreating his wife. Chander Kala left her matrimonial home and sent to her brother – complainant at Jaipur on several times, and on all those occasions, she returned to the matrimonial home on promise by petitioner that he would mend his ways and behave properly with her, but that was not to be. Chander Kala ultimately, left home on 19.4.2018 without informing anybody and her dead body was recovered from a canal in the area of Kurukshetra, Haryana, on the next day.

After registration of the FIR, the matter was investigated. Dead body was sent for post mortem, which was conducted by Board of doctors who declared the cause of death to be drowning and asphyxia which was ante mortem in nature and sufficient to cause death.

The accused was arrested in this case on 27.4.2018. After completion of investigation, the accused was challaned. Charge against him has been framed and now the case is fixed for evidence of the prosecution.

The accused had moved an application for grant of regular bail before the Court of Sessions, which was assigned to Additional Sessions Judge,(Exclusive Court for Heinous Crimes against Women), Patiala, who vide order dated 10.7.2018, dismissed the same, as such he has knocked at the door of this Court, with a

similar prayer, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel assisted by learned counsel for the complainant, besides going through the record.

The allegations against the petitioner are very grave and serious. His wife Chander Kala was residing with him in the matrimonial home, when she went missing and ultimately her dead body was found in the canal. As per the post mortem report, she had died due to drowning and asphyxia, which was ante mortem in nature. That means it is not the case of accidental death due to drowning. The petitioner who is husband of the deceased has to explain as to how his wife residing with him in the matrimonial home, went missing and died an unnatural death. Daughter of the petitioner and deceased, namely Uma Gavri, has corroborated the version set up in the FIR and in her statement got recorded by JMIC, Rajpura, on 24.4.2018, under Section 164 Cr.P.C. She has stated that extreme harassment of her mother at the hands of her father (petitioner), forced her mother to end her life.

During the course of investigation, the police had laid its hand on Panchayati compromise dated 24.10.2016, signed by the present petitioner Sushil Kumar Gavri, wherein he had stated that he would bear all the house hold expenses, would give ornaments of his wife which had been sold by him and in future will not torture his wife Chander Kala and his daughter Uma Gavri.

Keeping in view the gravity and seriousness of allegations, no case for grant of regular bail to the petitioner is made

out. The trial against him is going on ,which is likely to be concluded in near future. The apprehension expressed by the State counsel that if granted bail, there are reasonable chances of the petitioner absconding and even trying to tamper with the prosecution evidence, cannot be brushed aside lightly.

Therefore finding no merit in the petition, the same stands dismissed.

21.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No