

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-32981 of 2018 (O&M)
Date of decision : November 27, 2018

Kehar Singh and anotherPetitioners

versus

State of HaryanaRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Mamli, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

This is second anticipatory bail application under Section 438 of the Code of Criminal Procedure by the petitioners Kehar Singh and his mother Palo Devi who are brother-in-law and mother-in-law respectively of deceased Shobha Rani. Allegations of the prosecution by way of FIR No. 57 dated 27.3.2018, under Sections 304-B, 34 IPC, Police Station Chhachhrauli, District Yamuna Nagar, are that the marriage between the deceased and Raj Kumar accused non-applicant took place in the year 2015 and it is alleged that sufficient dowry was given at the time of marriage of the deceased. However, the in-laws including the husband and the present petitioners used to beat and harass the deceased on account of demand of dowry and thereafter, a compromise was effected. It is alleged that on

account of this harassment on account of dowry and physical abuse of the deceased forced her to end her life by consuming poison leading to the registration of the present case and arrest of the husband.

Mr. RS Mamli, counsel for the petitioners has argued that the FIR has been got registered on vague and ambiguous allegations and there is no specific role attributed to the petitioners besides the fact that the parties have effected a compromise and has sought to place reliance on Annexure P/3. It is further argued by the counsel for the petitioners that the husband has already been taken in custody and the petitioners are no more required for custodial interrogation.

On behalf of State, Mr. Baljinder Virk, DAG, Haryana on instructions from ASI Subhash, Police Station Chhachhrauli, District Yamuna Nagar has submitted that the petitioners have joined investigations and report of the Chemical Examiner/Laboratory is yet to be received to corroborate that the death has occurred due to poison but has opposed the bail on the grounds of heinousness of offence.

Going through the submissions, a bare perusal of the allegations in the FIR do not attribute any specific and definite role to any of the petitioners who are brother-in-law and mother-in-law of the deceased. The compromise Annexure P/3 placed on the record by way of true translated copy exonerates the petitioners. The own stand of the State that the petitioners have joined the investigations and thus without feeling the necessity to advert to the merits, it would be traversity of justice to send the

petitioners behind the bars. Culpability if any shall be determined at the time of trial.

In the light of the aforesaid, the interim bail granted to the petitioners vide order dated 7.9.2018 is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. The petitioners shall abide by the conditions laid down in Section 438(2) Cr.P.C.

With these observations, the present petition stands disposed off.

November 27, 2018
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No