

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-46011 of 2017(O&M)

Date of Decision: 07.02.2018

Roop Kishore

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr.Kamaldip Singh Sidhu, Advocate  
for the petitioner.

Ms. Seena Mand, DAG., Punjab.

Mr. Amaninder Preet, Advocate  
for the complainant.

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**LISA GILL, J (Oral).**

Petitioner seeks the concession of bail pending trial in FIR No. 30 dated 11.06.2016, under Sections 304-B, 120-B IPC (Sections 302, 304-B, 306, 120-B IPC, added later on), registered at Police Station Mullanpur Garibdas, District SAS Nagar.

It is submitted that the petitioner, who is the husband of the deceased has been falsely implicated in this case. Marriage of the petitioner and the deceased was solemnized on 20.01.2010. It was the second marriage of both the petitioner as well as the deceased, who belongs to the State of Rajasthan. It is contended that the marriage was an extremely simple affair. No dowry was given. There is not even an allegation of any entrustment of dowry articles to any of the accused. The petitioner and his wife were blessed with a daughter on 03.05.2012. In October 2011, a flat was booked at Mullanpur and it was purchased in the joint name of the petitioner as well

as his wife. There was no discord between the parties. The deceased in-fact remained unwell as is reflected in medical records attached as Annexure P-1 collectively. Learned counsel for the petitioner refers to the account statement of the deceased and submits that three bank accounts were maintained by the deceased. Certain amount was lying in the FDR's, as well. The total amount in her account including the FDR was about ₹30 lakh. Moreover, there is a contradiction in the suicide note and the FIR in question. No external injury was detected on the person of the deceased. Complainant in this case has since been examined. Supplementary challan against the other co-accused has been presented on 29.01.2018 and would necessarily entail a *denovo* trial. It is submitted that the petitioner, an erstwhile employee of the PGIMR, Chandigarh, has been in custody since 05.07.2016. Therefore, this petition be allowed.

Learned counsel for the petitioner further relies upon the judgment of the Hon'ble Supreme Court in **K.V.Prakash Babu Vs. State of Karnataka 2017 (1) R.C.R.(Criminal) 60** and order of this Court in **Joginder Pal Yadav Vs. State of Punjab CRM-M-3261 of 2018, d/o 02.02.2018.**

Learned counsel for the complainant as well as the State have opposed this petition while submitting that there are specific and clear allegations against the petitioner, who is the husband of the deceased. As per the suicide note, which was produced in Court today, specific allegations have been levelled against the petitioner. It is argued that it is clearly mentioned in the said suicide note that a LIC policy had been taken in favour of the petitioner's earlier wife and the accused had received the money after her death. It is mentioned therein that certain term plans etc. have been taken by the petitioner in her name as well. Learned counsel for the complainant

further refers to an affidavit dated 01.03.2011 purportedly executed by the petitioner, wherein it is stated that in future he would not subject his wife to physical abuse neither ill-treat her. This affidavit was executed at Bikaner. The said affidavit as well as the report form part of the challan. It is informed that the specimen signatures of the petitioner were taken under orders of the learned trial Court and compared with the signatures on the affidavit. The said signatures matched with each other (The said affidavit has however been denied by learned counsel for the petitioner while submitting that the matter is yet to be adjudicated upon by the learned trial Court and the circumstances in which the affidavit, if any, was executed would be examined as well). In respect to the various accounts maintained in respect to the deceased and the amounts allegedly deposited, learned counsel for the complainant submits that the amount in question was deposited for the purchase of a flat in question, part of the amount having been given by the complainant, as well. Moreover, there is nothing on record to reflect that the complainant in any manner caused delay of the trial. It is thus prayed that this petition be dismissed.

Heard learned counsel for the parties.

As per the allegations in the FIR registered on the statement of the complainant-Vinod Soni (brother of the deceased), the deceased was married with the petitioner on 20.01.2010. Petitioner-Roop Kishore was working at PGIMR, Chandigarh. He alongwith the complainant's sister lived in a rented house at Chandigarh. The complainant's sister, it is stated, was harassed by Roop Kishore and his family members to extract money from her parents for purchasing a house. It is stated that money was given to Roop Kishore through Bank transfer and cash for the purpose of purchasing a flat.

A flat was purchased by Roop Kishore in the name of the complainant's

sister. She was however further harassed to bring another sum of ₹10,00,000/- from her parental home. She was not allowed to use her gold jewellery. Roop Kishore was living alongwith his family in the said flat at Omaxe City since one year prior to the date of incident in question. Nephew of Roop Kishore i.e., the petitioner – Mukesh is alleged to be residing with them for the purposes of study and treatment. The complainant stated that his sister told him telephonically on 09.06.2016 that her mother-in-law Sarju Devi came to their residence 10-15 days prior thereto. Thereafter, Roop Kishore was physically abusing the complainant's sister and threatening to kill her. Roop Kishore, Sarju Devi and Suman Nath are alleged to have physically abused the complainant's sister on 09.06.2016. Petitioner – Suman Nath was alleged to be having illicit relations with the husband of the deceased Roop Kishore for the past 4-5 years. Roop Kishore and husband of Suman Nath were working together at PGI, Chandigarh and were earlier residing near each other. The complainant received a Whatsapp message on 10.06.2016 from his sister's mobile stating that her mother-in-law, sister-in-law and neighbour Suman Nath are responsible for her death. The complainant tried to contact his sister and her husband Roop Kishore but his call was not attended. He informed his elder brother at Hyderabad and ultimately, the complainant and his brother reached Chandigarh on the intervening night of 10th and 11th June, 2016. The deceased committed suicide by hanging with a Dupatta due to harassment and ill-treatment meted out to her by her husband Roop Kishore, mother-in-law Sarju Devi, sister-in-law Manju, nephew Mukesh and Suman Nath, neighbour. Husband of the deceased was alleged to have absconded after admitting the complainant's sister at PGI. FIR was registered under Sections 304B/120B IPC. Sections 302/306 IPC were added subsequently. Cause of death is mentioned to be

death due to hanging.

Alleged suicide note produced in Court today is taken on record subject to just exceptions.

There are specific allegations in the FIR against the petitioner. As per the suicide note specific allegations have been raised by the deceased against the petitioner. The judgment of the Hon'ble Supreme Court and order of this Court cited by learned counsel for the petitioner, are not applicable to the facts and circumstances of the present case.

Taking note of the entire factual matrix of this case, I do not find any ground whatsoever to afford the concession of bail pending trial to the petitioner, at this stage.

Petition is accordingly dismissed.

It is clarified that the observations in this order are solely confined for the purpose of decision of this petition and shall have no bearing on the trial of the case.

**07.02.2018**  
s.khan

**[LISA GILL]**  
**Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.