

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr.No.209

CRM-M-47287-2018 (O&M)

Reserved on:01.11.2018

Pronounced on: 06.11.2018

Major Neeraj Yadav

....petitioner

Versus

State of Punjab

....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A. P. S. Deol, Senior Advocate with
Mr. H. S. Mavi, Advocate
for the petitioner

Mr. Joginder Pal Ratra, DAG Punjab

Mr. Karan Vir Nanda, Advocate
for the complainant

ARVIND SINGH SANGWAN, J. :

CRM-39068-2018

Prayer in this application is for placing on record additional documents Annexures R1 to R6.

Application is allowed as prayed for. Annexures R1 to R6 are taken on record.

CRM-39221-2018

Prayer in this application is for placing on record additional documents (Annexure P5 to P7).

Application is allowed as prayed for. Annexures P5 to P7 are taken on record.

CRM-M-47287-2018

Prayer in this petition is for grant of anticipatory bail in FIR No.139 dated 09.09.2018, under Sections 306/34 IPC, 1860, registered at Police Station Urban Estate, Patiala.

As per the allegations in the FIR, got registered by Nikita, wife of the present petitioner-Neeraj Yadav, the complainant Nikita was married to the petitioner on 08.02.2016 and her parents had given sufficient dowry articles, as detailed in the FIR. The petitioner is serving as an Army Officer and is presently posted in Arunachal Pradesh. It is further stated in the FIR that in-laws of the complainant including husband's brother (Devar) Tarun Yadav, mother-in-law Sneh Lata and father-in-law Harpal Singh Yadav, used to harass her for bringing less dowry. On 24.03.2018, the petitioner gave beatings to the complainant under the influence of liquor and demanded more dowry. This incident happened in Gurugram (Gurgaon) and the police was called and the complainant and the petitioner were sent home after pacifying them. Again, the petitioner raised a quarrel with the complainant and she came to her parental home at Patiala on 25.03.2018. It is further stated in the FIR that thereafter, the petitioner started threatening the complainant on phone and used to abuse her. When her father (Jagroop Singh-since deceased), tried to pacify them, he was also threatened and abused. On 25.06.2018, the parents of the complainant and her younger sister had come to Gurugram to rehabilitate her in her matrimonial home but to no avail. On that account, the father of the complainant Jagroop Singh used to remain very tense and started living under depression because of the behaviour of her in-laws. Thereafter, the complainant had given a complaint to SHO, Women Counselling Cell, Police Lines, Patiala. On 7/8

September, 2018, her husband/petitioner, father-in-law and other relatives were summoned but they refused to rehabilitate the complainant and on that account her father became depressed and did not discuss the things with them in spite of her persuasion. It is further stated that on 09.09.2018, when the complainant along with her mother had gone to market, she tried to contact her father 2/3 times on mobile phone, but he did not pick up the call. When they reached back home at 01.30 PM, nobody responded to the door bell and when the complainant entered house from the neighbour's house by crossing over the wall after breaking the latch, she found that her father was not in the room. She found that her father has hanged himself with the help of a rope around his neck tied with ventilator grill of the bath room. With the help of her neighbours, by cutting the rope, her father was brought down and taken to the hospital, where he was declared dead. It is stated that her father has ended his life on account of mental pressure and disturbance, created due to her matrimonial dispute with the petitioner.

Later on, a suicide note was recovered, which reads as under:

“That these four persons are responsible for my suicide. They have subjected my family to harassment, humiliation, mental torture and physical beatings to my daughter. That 1. Harpal Singh Yadav; 2. Neeraj Yadav, Sneh Lata, Tarun Yadav, Gurugram, Haryana are responsible for my death. That they have treated my daughter like an animal. That the complaint is absolutely truthful. That these 4 persons are responsible for my death”.

It is worth noticing that the brother of the petitioner Tarun Yadav, has been granted concession of interim anticipatory bail, vide order

dated 03.10.2018 passed in CRM-M-43648-2018 and the father-in-law Harpal Singh and mother-in-law Sneh Lata have been granted the concession of anticipatory bail vide order dated 17.10.2018 passed in CRM-M-46293-2018, noticing the fact that they were residing separately and there was matrimonial dispute between the complainant and present petitioner Neeraj Yadav and also considering the degree of relationship between them and deceased Jagroop Singh.

Learned Senior counsel for the petitioner has submitted that the petitioner, who is serving as a Major in the Indian Army is presently posted at a forward area and he has been regularly sending ₹ 20,000-25,000/- to the complainant-wife and had no inclination that he wants to sever off the matrimonial alliance with the complainant and in this regard, learned Senior counsel has relied upon the bank statement of the petitioner (Annexure P2). Learned Senior counsel for the petitioner has also relied upon certain commendation letters issued by the GOC-in-C Eastern Command, acknowledging the services of the petitioner.

Learned Senior counsel for the petitioner has further relied upon certain communications i.e. Whatsapp Messages etc. to submit that the complainant herself was not maintaining a cordial relation with her father as in the communication she has addressed him by name by not showing due respect. Learned Senior counsel for the petitioner has further submitted that it is own case of the complainant that she is residing with her parents since 25.03.2018, therefore, there was no such occasion for the petitioner, who is posted in Arunachal Pradesh to have acted in a manner, which had abetted the deceased-Jagroop Singh to commit suicide.

In reply, learned State counsel, on instructions from the

Investigating Officer and assisted by the counsel for the complainant have however, opposed the prayer for grant of anticipatory bail to the petitioner.

Learned State counsel has argued that the case of the petitioner is different from the co-accused, who have been granted concession of anticipatory bail considering the relationship with the deceased as well as the allegations in the FIR and they are residing separately from petitioner.

Learned counsel for the complainant has submitted that she has already filed a complaint against the accused persons before the police authorities on 12.07.2018 (Annexure R1), for causing harassment, humiliation and physical beatings to the complainant. In the complaint she has even levelled allegation against the present petitioner that he subjected her to un-natural sex and on that account she had to undergo medical treatment at Fortis Hospital, Mohali (Annexure R3).

Learned counsel has further argued that the complainant was even maltreated by the petitioner at Gurugram, for which she was referred to Civil Hospital, Gurgaon (Annexure R4) and thereafter, when the petitioner failed to maintain her as his wife, therefore, later on, she has filed a complaint under Section 12 of the Domestic Violence Act, 2005, against the petitioner in the Court of Chief Judicial Magistrate, Patiala, on 29.09.2018, which shows that the complainant was being continuously harassed after March 2018. Learned counsel has further relied upon certain Whatsapp communications, in which the petitioner has addressed the complainant, pointing a finger on her character. It is, thus, argued that on account of the aforesaid circumstances, which were very much in the knowledge of deceased Jagroop Singh-father of the complainant. It is further submitted that when they attended the proceedings before the Women Cell, Patiala on

07.09.2018, the complainant and her father were being humiliated by the petitioner and on account of the same, her father committed suicide on 09.09.2018.

After hearing learned counsel for the parties, I find that there are allegations against the petitioner/husband of the complainant that he along with co-accused used to harass her on the pretext of brining less dowry and by carrying a doubt on her character and on that account her father Jagroop Singh remained under depression and ultimately he committed suicide by hanging himself in his house. The fact that he committed suicide after attending the proceedings before the SHO, Women Cell, Patiala, where the petitioner was summoned on a complaint filed by the complainant and in the suicide note, the deceased has specifically mentioned that he is committing suicide due to the harassment, humiliation, mental torture and physical beatings given to her daughter by the petitioner. Therefore, being the husband, he is the primary accused. Keeping in view the allegations and gravity of offence, thorough investigation of the case is required. Therefore, I find no ground to grant the anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

06.11.2018

neenu/waseem ansari

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No