

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48491-2017(O&M)

Date of decision:-17.8.2018

Daksh Aadia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr.Pritpal Nijjar, Advocate
Mr.Harsh Chopra, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.V.K. Mahajan, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Daksh Aadia, an accused in FIR No.219 dated 2.10.2017, under Sections 304-B, 120-B IPC(Section 302 IPC added later on), registered at Police Station Division No.4, District Ludhiana.

Briefly stated, facts of the case as per prosecution story are that complainant Vipam Kumar Dhir son of Baldev Raj Dhir, resident of 369, Phase-1, Urban Estate Dugri, Ludhiana, aged about 61 years, lodged the FIR in this case by making a statement to the police stating therein that his daughter Ritu Dhir, who was highly qualified working as Lecturer

at Master Tara Singh College, Sabzi Mandi, Ludhiana was married with Gaurav Aadia son of Parveen Aadia, resident of Ludhiana on 28.7.2017; that he had spent Rs.35 to 40 lakhs at the time of the marriage giving costly and valuable items including gold jewellery in dowry to his daughter but husband of Ritu, namely Gaurav Aadia, father-in-law Parveen Aadia, mother-in-law Kamlesh Aadia, brother-in-law Daksh Aadia (petitioner) started harassing Ritu on account of demand of dowry; that they had a grouse that neither any car had been given in dowry nor Rs.7 lakhs as cost of the car; that Ritu informed her parents in that regard; that she used to be given beatings by her husband and in-laws besides being caused mental torture; that on 30.9.2017, which was Dusshera festival, Ritu contacted her father informing that her in-laws family was harassing her and giving beatings to her saying that she would have to fulfil their demands, then the complainant stated that he would come to the matrimonial home on the next day, however, on 1.10.2017 at about 1:00 p.m., Gaurav Aadia informed the complainant that an incident had happened and he was taking Ritu to DMC Hospital, Ludhiana asking him to come there. According to the complainant, he reached there and saw that his daughter was in a bad condition and when asked, she with great difficulty informed him that her in-laws family had given her poison; that on 2.10.2017, she expired. In the statement, the complainant stated that Dr.Navjeevan Bhalla, Abhinav Sharma and Anil Kumar alias Surali were part of the conspiracy in giving poison to Ritu. According to the complainant, Ritu used to tell him that Dr.Navjeevan Bhalla, Abhinav Sharma and Anil Kumar alias Surali used to visit her in-laws house and

were instigating her in-laws family to demand more dowry and car. After registration of the FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Ludhiana vide order dated 1.11.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record and I do not find any merit in the present petition.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In this case a young married girl has died an unnatural death on account of poison, after about two months of the marriage. She had died in the matrimonial home. In the FIR, the petitioner is specifically named and criminal acts attributed to him, which points out towards commission of offence under Section 304-B read with Section 120-B IPC etc. The Public Prosecutor has informed that offence under Section 302 IPC has since been added. The allegations against the petitioner, who is specifically named in the FIR are that he was residing in that very house where the deceased was putting up along with her husband. There are

specific allegations of harassment and maltreatment of deceased so as to force her to bring more dowry articles.

Learned counsel for the petitioner has submitted that the petitioner is unmarried brother-in-law of the deceased and the complainant, who happened to be father of the deceased has involved the entire family not even sparing the close family friends. As a matter of fact since real sister of deceased namely Megha had solemnized marriage with one Harmandeep Singh on 22.9.2017, who was earlier working as driver with the family of deceased, as such she was disturbed. He further contended that at the time of marriage of deceased with Gaurav Aadia neither any dowry was given nor accepted and after marriage the deceased was kept in an atmosphere of love and affection in the matrimonial home, as such since no recovery is to be effected from the petitioner, pre-arrest bail be granted to him.

Whereas learned State counsel assisted by learned counsel for the complainant has vehemently opposed the request.

Though the petitioner is said to be unmarried brother-in-law of the deceased but that does not mean that he could not join his family members in harassing the deceased in connection with demand of more dowry articles, more particularly when he was residing in the same house. Since a young educated recently married girl died after about two months of the marriage in the matrimonial home as a case of poisoning, the husband and his family members, who were residing therein are to explain as to how and under what circumstances it was so happened. The reason suggested by petitioner that since real sister of deceased had contracted an

inter-caste marriage with Harmandeep Singh, who was working as a driver with family of the deceased earlier, as such, she was feeling disturbed, does not come out to be such a reason, which could drive her to take poison to end her life.

As regards no dowry being given or accepted, it can be established only during trial. Nevertheless at this stage, a perusal of the FIR goes to show that there are specific allegations of sufficient dowry being given and demand of more dowry being raised from the deceased by her husband and his family members including the present petitioner. The photographs placed on file reflect injuries on the chest of the deceased, which go to show that she was subjected to violence before her death. From the status report, which is in the form of affidavit of Assistant Commissioner of Police(North), Ludhiana dated 25.4.2018, it comes out that the complainant had submitted an application to the police that present petitioner had threatened him to compromise the matter, otherwise to face consequences in the Court premises at Ludhiana and DDR No.31 dated 13.4.2018 was lodged at Police Station Division No.4, Ludhiana. During inquiry, it came out that petitioner had in fact threatened the complainant disclosing commission of offence under Section 506 IPC.

Such type of person, who is threatening the complainant now, cannot be expected to abide by terms and conditions, even if granted concession of bail. Nevertheless as a collective effect of the various factors, petitioner being specifically named in the FIR, serious criminal acts attributed to him, his threatening the complainant to compromise the matter, otherwise to face consequences in the Court premises at

Ludhiana, his custodial interrogation is found necessary for complete and effective investigation so as to find out as to under what circumstances poison was administered to the deceased or in the alternative was consumed by her, the circumstances leading thereto etc.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Finding no merit in the petition, the same stands dismissed.

17.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No