

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

Criminal Misc. No.M- 7 of 2017(O&M)

Date of Decision: January 22 , 2018.

Akashdeep Singh

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohinder Kumar, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. D.S.Kahlon, Advocate
for the complainant.

LISA GILL, J.

CRM No.1850 of 2018

For the reasons mentioned in the application and the arguments addressed, Section 302 IPC is ordered to be added in the headnote and the prayer clause of the main petition.

Necessary correction be carried out by the Registry.

Annexures P3 and P4 are taken on record subject to just exceptions.

Misc. application is disposed of.

CRM No.M-7 of 2017

The petitioner seeks the concession of anticipatory bail in FIR

No.286 dated 26.09.2016 under Sections 306/34/302 IPC, registered at Police Station Sultanwind, Amritsar City, District Amritsar.

It is submitted that the petitioner was not even married to the deceased, who was 40 years old having two children, though it is not denied that she had obtained divorce from her first husband 1-½ years prior to the incident in question. It is argued that there is no material on record to indicate the commission of offence punishable under Section 306 IPC. The offence punishable under Section 302 IPC has been wrongly added after eleven months of the registration of the FIR on the basis of a statement made by one relative of the deceased i.e., cousin brother (son of the maternal uncle). It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

FIR in this case was registered at the instance of the brother of the deceased who stated that his sister had performed second marriage with the petitioner on 27.05.2017 after seeking divorce from her first husband. However, her in-laws were not happy with this marriage. She was expelled from the matrimonial home due to which she started residing separately in a room taken on rent at Abadi Gurnam Nagar. However, her husband did not look after her properly. The complainant's sister, it is stated, was pregnant by 5-6 months. It is further stated that he came to know on 26.09.2016 that his sister had imbibed some poisonous substance and was lying in an unconscious state at Sultanwind road, Amritsar. She was taken to the Civil Hospital, Amritsar by the police where she passed away. On receiving information regarding her death, the complainant alongwith others went to the hospital. It is alleged that the complainant's sister

being fed up with her husband and parents-in-law committed suicide by taking some poisonous substance.

In the affidavit dated 12.02.2017 filed by the Assistant Commissioner of Police, South, Amritsar, it is submitted that Meena @ Jyoti (deceased) was earlier married to Mr. Vijay Khanna, a friend of the present petitioner. Meena @ Jyoti sought divorce from her first husband on 10.04.2015 after having developed relations with the present petitioner, who however refused to solemnize marriage with her. This led to filing of an application No.770-PC/W dated 30.04.2015 by Meena @ Jyoti against the petitioner. The matter was filed as the petitioner agreed to get married with her. At the time of solemnization of marriage with the petitioner, Meena @ Jyoti was reported to be expecting. Reference is made to an OPD slip bearing No.4153 dated 04.05.2015 (Annexure R3). Another application UID No.978638 was submitted by Meena @ Jyoti against the present petitioner and the other family members. The application and the statement of Meena @ Jyoti (deceased) are attached as Annexure R4/T and R5/T with the said affidavit. It is specifically mentioned that Meena @ Jyoti (deceased) was indeed married to the petitioner.

Section 302 IPC was added subsequently vide Rapat No.20 dated 03.08.2017 (Annexure P3). It is specifically mentioned therein that as per the chemical examiner's report, no poison was detected. Cause of death is compression of vital organ i.e., brain as a result of injury on the right temporal organ of the head leading to intra-cranical haemorrhage, which is sufficient to cause death in the ordinary course of nature. An argument strenuously urged on behalf of the petitioner is that as per the allegations in the FIR, Meena @ Jyoti

was poisoned to death whereas, this is not borne out from the record, therefore, this petition should be allowed. The said argument is clearly fallacious and of no avail to the petitioner. In the present case, the petitioner even denied any relations with the deceased whereas the State has referred to certain documents which prima facie indicate to the contrary. The matter is under investigation. It cannot be said that custodial interrogation of the petitioner is not required in this case.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to extend the benefit of anticipatory bail to the petitioner.

Petition is dismissed.

It is clarified that the observations made hereinabove are solely confined for the purpose of adjudication of this petition.

January 22 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No