

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

Crl. Misc. No. M-86 of 2018

Date of decision : 06.04.2018

Prince Kumar

... Petitioner

versus

State of Punjab

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. A.S. Sidhu, Advocate
for petitioner.**

Mr. Pawan Sharda, Sr. DAG Punjab assisted

**Mr. Deepak Verma, Advocate
for the complainant.**

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No. 64 dated 08.12.2017, registered under Sections 306 and 506 read with Section 34 IPC at Police Station City Ahmedgarh, District Sangrur.

The case had been adjourned number of times on the request made by counsel for the petitioner as he wanted to place on record some documents. The documents were not filed and some papers were placed on record today and a copy thereof has been supplied to other side.

Learned counsel contends that the deceased was the wife of the petitioner and they were living separately since 2015 and she was paralytic and the whole story that she was going on motor-cycle or any threat was given to her by the petitioner and his father stands falsified from the documents which have been placed on record today. Counsel states that treatment record refers to the disease as CYA which means paralysis and

she was not in a position to sit on the motor-cycle. Counsel also refers to the report made by the Summoning Staff on the summons sent to Monika, Annexure P-4. The counsel has read out the report and states that the father of the deceased had told the Constable that his daughter was suffering from paralysis and was admitted in the hospital in Ludhiana. Counsel further submits that the petitioner had been regularly paying maintenance and he had not challenged the order. He further submits that if any such threat was given, the deceased and his father would have gone to the police station or to the school as they (children) were in school and would not have returned home and the allegations are false. He further urges that custodial interrogation is not necessary.

Counsel appearing for the complainant urges that there is no reference to paralysis in the treatment record and it only refers to the fact that the girl was suffering from Pneumonitis which is old case of Pneumonia. He also urges that the deceased had lodged an FIR in 2015 and she was staying with her parents and on the fateful day she was going to Courts along with father to depose in the FIR registered under Sections 406 and 498-A IPC when the petitioner and his father came and threatened that they would take away the children and such fear was instilled that the daughter did not want to go to the Court and they returned home and after sometime when she found herself alone, she consumed poison. He urges that there is no record to show that in November, 2017 the deceased was admitted in the hospital and the record produced today pertains to September, 2017.

The State counsel also opposes the prayer.

The allegations against the petitioner are that when Monika

along with her father were going to Court to depose in the FIR lodged against the petitioner, he and his father came on motor-cycle at about 9:00 AM and stopped them on the way and threatened to take the children at all cost. The allegations are that the daughter got scared and refused to go to the Court. The complainant brought his daughter home and after a while the complainant saw daughter lying on the bed with froth coming out from her mouth. The father shifted her to the hospital where she was declared dead. The police has registered FIR under Sections 306 and 506 read with Section 34 IPC. The allegations are serious. No case for anticipatory bail is made out.

The petition is dismissed.

April 06, 2018
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(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No