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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1478/2018**

KAWALJEET SINGH

..... Petitioner

Through: Mr. Rajiv Mohan, Advocate with
Mr. Paras Jain, Advocate.

versus

STATE

..... Respondent

Through: Mr. Ashish Dutta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.07.2018**

Crl.M.A.11637/2018 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1478/2018

The petitioner is the elder brother of Baljinder Singh, the husband of the deceased Paramjeet Kaur. The marriage of Paramjeet Kaur and Baljinder Singh was solemnized on 14.10.2017. It appears the said couple was residing at the third floor of the property, on the second floor of which the petitioner and his family would live. Paramjeet Kaur died on account of the injuries suffered due to fall from the terrace of the said house on 11.05.2018. There is no evidence showing the said fall to be on account of attempt to commit suicide or there being any foul play so as to render the case to be one of the culpable homicide.

The police has registered the FIR No.171/2018 involving offences punishable under Sections 498A/304-B/306/506/509/34 IPC of Police Station Moti Nagar on the statement of mother of the deceased where there is a reference to the petitioner having made a demand for “gold”.

There are no specific details as to when the said demand was made or in what context. In the FIR and the statements which have been recorded in its wake, allegations have been made not only against the immediate family members of the husband but also against distant relatives including mother-in-law (Anita Khanna) and brother-in-law (Nitesh Khanna) of the petitioner who would live at some distance. Similarly, allegations have been made against uncle of the husband (Pritam Singh) and son of the said uncle of the petitioner (Narender Singh @ Shelly) who live at the first floor level of the same property, they having a separate mass.

It appears that no allegations have been made about any demand of dowry against the husband Baljinder Singh. Rather, Baljinder Singh has been examined as a witness under Section 161 Cr.P.C. where he would make allegations of certain misconduct of the petitioner against his wife (the deceased).

In the facts and circumstances, it cannot be said that as on date there is a case properly made out of it involving an offence of dowry death in which the petitioner might be involved. Be that as it may, the allegations in the case would need further probe. At the same time, there is no reason why the petitioner be not accorded similar liberty as has been granted to co-accused Nitesh Khanna, Anita Khanna, Pritam Singh, Narender Singh @ Shelly, who have been admitted to anticipatory bail by the court of Sessions

by orders dated 21 and 23.05.2018.

The petitioner was arrested on 11.05.2018 whereafter he has been in judicial custody. No useful purpose would be served by keeping him in custody as the investigation is likely to take some time to conclude. The case for release on bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.30,000/- with one surety in like amount to the satisfaction of the trial court;
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court;
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress;
- (iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
- (v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (vi). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signature of Court Master.

JULY 12, 2018
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R.K.GAUBA, J.