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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2663/2018 & CrI.M.A. 35904/2018**

HARPAL SINGH

..... Petitioner

Through: Mr. Jitendra Sethi & Mr. Hemant
Gulati, Advs.

versus

STATE

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with SI Ranbir Singh, PS New Ashok
Nagar.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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13.11.2018

The petitioner is the father of Raj Kumar, who was married to Sarita, daughter of the first informant, on 05.12.2012. One male child, now aged about 4 years took birth out of this wedlock. On 14.07.2018, Sarita was taken to hospital by her in-laws with history of consumption of some unknown poisonous substance. She remained unconscious during the period of treatment and died on 23.07.2018 in hospital. Though there are accusations of she having been subjected to homicidal death, there is no material gathered till date to substantiate such allegations.

Be that as it may, in the wake of allegations of demands for dowry and cruelty emanating therefrom, the police has registered FIR No. 372/2018 of police station New Ashok Nagar involving offences under Sections 498A/304B/34 IPC. Raj Kumar, husband of the deceased was arrested on 24.07.2018 and has been in custody ever since. Allegations have also been

made against Sangeeta, sister of Raj Kumar, who, however, being married and living separately with her in-laws, was admitted to bail by the court of sessions, by order dated 02.08.2018. The application for anticipatory bail of the present petitioner (father-in-law) was dismissed by the court of Sessions, by order dated 04.09.2018 with observations that there are allegations of dowry demand and harassment being meted out on account of non-fulfilment of such demands.

It is pointed out that during the entire period of treatment from 14.07.2018 till death on 23.07.2018, there was no allegation or complaint made of any such dowry demand being the history leading to the events resulting in death. It is at the same time noted that, on 28.07.2017, the deceased had lodged a report with police station New Ashok Nagar which was recorded by DD no. 44 B making allegations primarily against her husband, accusing him of ill behaviour, torture and threats over petty issues. Though she also alleged in the said complaint that money for household expenses was coming from her parental home for the last four years, there is no clarity that such financial assistance was on account of any illicit demands, particularly, on the part of the petitioner.

In the facts and circumstances, a case for protection under Section 438 Cr.P.C. is made out. Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs. 30,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;

- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) 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 investigating officer;
- (iv) 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v) 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.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

NOVEMBER 13, 2018

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