

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207(1)

CRM-M-19515-2019

Raj Kumar and another

.....Petitioners

Versus

State of Punjab

.....Respondent

207(2)

CRM-M-25526-2019

Manmohan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision:05.09.2019

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. B.S. Baath, Advocate,
for the petitioner(s).

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Deepak Arora, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

This order shall dispose of CRM-M-19515-2019, titled as Raj Kumar and another Versus State of Punjab filed by parents-in-law of deceased-Lalita Devi, whose marriage with solemnized with Manmohan Singh in the year 2013, whereas CRM-M-25526-2019, titled as Manmohan Singh Versus State of Punjab has been filed by husband of deceased-Lalita Devi.

Prayer in these petitions filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners in FIR No.0044 dated 14.04.2019 under Section 304-B IPC, 1860, registered at Police Station Dasuya, District Hoshiarpur.

In CRM-M-19515-2019 filed by parents-in-law of Lalita Devi (since deceased), this Court had passed the following order on May 01, 2019:-

“Learned counsel for the petitioners has argued that the petitioners are parents-in-law of Lalita Devi (since deceased) and have been living separately from the deceased and her husband. The husband of deceased is posted in Indian Army and is residing in Army Cantonment area, Uchi Bassi, Hoshiarpur.

He further refers to the FIR, wherein the complainant has made an allegation that his daughter wanted to go with him to visit the village of her maternal grandmother (Naani), but since her husband did not allow her to go there, she committed suicide. There is no allegation against the petitioners to cause any beating, injury or harassment to the deceased in any manner.

Notice of motion for 18.07.2019.

Till next date of hearing, arrest of the petitioners shall remain stayed.”

Thereafter on 18.07.2019, while adjourning the case for today i.e. 05.09.2019, the petitioners were granted interim bail, subject to their joining the investigation.

Learned counsel for the petitioner(s) states that pursuant to the order dated 18.07.2019 passed by this Court in both the petitions, petitioners have joined the investigation.

At this stage, learned counsel for the complainant has argued

that deceased Lalita Devi was being harassed by the petitioners and more particularly her husband-Manmohan Singh for demand of dowry and she died in the matrimonial house. Therefore, presumption of dowry death is attached with the petitioners accused under Section 304-B IPC.

Learned State counsel, on instructions from ASI Raghuvir Singh, does not dispute the aforesaid fact and states that the custodial interrogation of the petitioners is no more required at this stage, however, he states that since the deceased had died within seven years of marriage and petitioner-Manmohan Singh is husband of the deceased, therefore, petitioners are not entitled to bail.

Heard learned counsel for the parties.

The contents of the FIR which was registered at the behest of Nand Singh, father of the deceased does reflect that Lalita Devi(since deceased) was married with petitioner-Manmohan Singh in the year 2013 and out of this wedlock, there are two children i.e. Prachi aged about 04 years and a son Rihan aged about 11 months. However, after the birth of male child, the in-laws and his family members including husband were harassing the deceased on the ground that one double-bed and gold chain be given to them on the occasion of birth of the son. The complainant has told the accused that they would give double-bed and gold chain after some time. However, the date on which Lalita Devi, the deceased had to go with the complainant to her maternal grandmother village (Nanke) on the occasion of death anniversary of her maternal grandmother(Nani), she had asked the petitioner-Manmohan Singh on phone, but he did not allow the deceased to go to her maternal grandmother's village and due to their consistent harassment for fulfilling their dowry demand, the deceased

committed suicide and finished her life. No doubt, there is allegation of demand of dowry, but it being a marriage of year 2013 and she committed suicide on 14.04.2019 i.e. after about more than six years, the allegation of demand of dowry is not fully substantiated in the FIR. At the most, the allegation against the petitioners can be, that the deceased was not allowed to go to her maternal grandmother's house and for this reason, she committed suicide.

Apart from the fact that when the petitioner(s) have joined the investigation and their custodial interrogation is no more required, both the petitions are allowed and the interim bail granted to the petitioner(s) vide order dated 18.07.2019 in both the petitions, is hereby made absolute.

However, if required, the petitioner(s) shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner(s) shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

September 05, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No