

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

**CRM-M No.50587 of 2018**

Date of decision: 23<sup>rd</sup> July, 2019

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Radhe Shyam Sharma, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana  
for the respondent/State.

Mr. S.K. Yadav, Advocate for the complainant.

**FATEH DEEP SINGH, J.**

In this first anticipatory bail application filed by accused Sandeep under Section 438 Cr.P.C. in case bearing FIR No.434 dated 01.08.2018 under Sections 302, 304A, 498A, 304B, 34 IPC pertaining to Police Station Mahendergarh, the allegations have come about by an ex-serviceman complainant Ram Kishan, father of deceased Neelam, the latter having been married on 18.02.2017 with the petitioner, where sufficient dowry articles were given. It is alleged that the accused along with his parents raised demand of a vehicle and more articles of dowry, however, in spite of endeavours by the complainant father that they could not afford more and to satisfy the lust of the accused had paid ₹1,51,000/- in cash and an Activa scooter to ensure that his daughter was not ill-

treated. On 31.07.2018, the deceased telephonically informed the complainant of this harassment and mental torture by the accused and subsequent thereto on account of acts of the accused, it is alleged, on 01.08.2018 the deceased died due to hanging.

Learned counsel for the petitioner Mr. Radhe Shyam Sharma, Advocate inter alia contends that the petitioner husband at the time of the occurrence was posted and was on duty in RPF Mumbai and therefore, cannot be attributed any role in commission of the offence; arguing that neither there is any specific role attributed to the petitioner and nothing is to be recovered and there is no likelihood of him absconding, being a Government official.

On behalf of the State, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana assisted by Mr. S.K. Yadav, Advocate representing the complainant, strong opposition has been sought to be made to the plea of the petitioner side, arguing that the messages incorporated show that the same, as a consequence of DITAC test, were between the mobile phones of the husband and the wife and reflect that it was on account of harassment and cruelty, the wife was put to death and therefore, custodial interrogation of the petitioner is very much essential.

Going through the submissions of the two sides, the prima facie allegations of the prosecution, the fact that within one year six months of the marriage, the deceased has died an unnatural death in her matrimonial home and prior to which incident, as has been confided by

the deceased in her father, there have been allegations of demand of dowry, cruelty and harassment at the hands of the husband and family members. Text messages are reflective of the agony of the deceased at the hands of the accused. Thus, in the light of these allegations and heinousness of the offence, this Court is of the view that custodial interrogation of the petitioner is necessary and resultantly, the present petition stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**July 23, 2019**  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |