

211.

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

CRM-M-54388-2018

Date of decision:25.07.2019.

KAMAR KHAN @ KAMRUDDIN

... Petitioner

Versus

STATE OF HARYANA & ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mohammad Arshad, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Mr. Saleem Ahmad, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.229 dated 27.06.2018 registered under Sections 304-B and 34 of IPC at Police Station Tauru, District Mewat-Nuh.

Vide order dated 10.12.2018, petitioner was granted interim bail subject the conditions as envisaged in Section 438(2) of Cr.P.C.

Petitioner is father-in-law of the deceased-Junaida. Junaida got married with Wasim. Wasim is the son of the petitioner. The marriage between the parties was solemnized on 15.03.2015 and out of this wedlock, a daughter was born to them. However, Junaida committed suicide on 26.06.2018, which led to registration of present FIR. The allegation against

the petitioner's family is demand of dowry, taunt for bringing less dowry and she was turned out of the house alongwith 8 days old daughter in September, 2017. The deceased committed suicide in her parental house.

Counsel for the petitioner has argued that the wife of the petitioner has already been admitted on bail. There is no such specific allegation that the petitioner ever demanded dowry from the deceased or harassed her in any manner.

Counsel for the complainant has argued that the deceased died about 3 years after marriage and the petitioner has failed to discharge his obligation as a head of the family as he could not prevail upon the parties to resolve the matter even if there was some dispute between them. He further states that recovery of dowry articles is yet to be effected which includes a WagaonR Car.

Learned State counsel does not dispute the fact that the wife of the petitioner is already on bail. However, she submits that recovery of WagaonR car given in the marriage is yet to be effected.

I have heard counsel for the parties.

The mother-in-law of the deceased is already on bail and the petitioner is father-in-law. The primary argument of the counsel for the complainant that the petitioner failed to act as a head of the family and he did not prevail upon the parties, is no ground to decline bail to the petitioner. The recovery itself is also no ground to decline bail. Moreover, the petitioner has already joined the investigation.

In view of above, present petition is allowed and the interim bail granted to the petitioner vide order dated 10.12.2018 is made absolute.

However, if required, the petitioner 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.

(HARI PAL VERMA)
JUDGE

25.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No