

CRM-M-25632-2019

Date of Decision : 04.06.2019

Joginder and another

.....Petitioners

versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. K.P. Singh, Advocate
for the petitioners.Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.Mr. Ranbir Singh, Advocate and
Mr. G.S. Sandhu, Advocate
for the complainant/respondent No.2.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application of accused/petitioners-Joginder and Mithlesh @ Mito, a couple, under Section 438 Cr.P.C in a case bearing FIR No.45 dated 16.02.2018 filed under Sections 304-B, 201 and 34 of the Indian Penal Code registered at Police Station Taraori, District Karnal.

The present case has been got registered on the statement of Mam Chand, father of deceased, Sonam, alleging that the marriage of his daughter was performed with accused/non-applicant-Ranjor on 21.02.2017 and that at the time of marriage, on asking of the petitioners' side, he had given sufficient dowry articles including gold and silver, in all spent ₹14-15 lakh. It is further alleged that the in-laws were not happy over the dowry

and had been demanding a car and more articles, on account of which, the father was compelled to prepare a Fixed Deposit receipt of ₹2 lakh in the name of his daughter and has made a request to the accused side that they should not harass his daughter and raise more and more demand. It is on 12.02.2018, at around 2:45/3:00 PM, the complainant claims that he received a telephonic call that his daughter, deceased-Sonam, was not well and when he rushed, he discovered that his daughter has already been cremated. The suicide note purported to be in handwriting of the deceased, was recovered from the house.

Learned counsel for the petitioners *inter alia* contends that neither there is any specific allegations against the petitioners nor their attribution to commission of the offences and the admitted suicide note, does not level any allegations against any of the accused, arguing further that during the course of investigations, the petitioners have been found innocent and have been subsequently, summoned with the aid of Section 319 Cr.P.C.

On instructions from SI Balbir Singh, Police Station Taraori District Karnal, the learned State counsel, assisted by Mr. Ranbir Singh, Advocate for the complainant/respondent No.2, though do not displace the facts of the case that have been brought about in the arguments by counsel for the petitioners, but have opposed the grant of bail on the grounds that they dispute the suicide note, alleged to have been recovered by the police and that the claim of the petitioners that they were residing separate from the deceased, is not supported by any documentary evidence and that names

of both the petitioners have been specified in the FIR.

Appreciating the submissions of the two sides, a close look at the FIR, which is the document first in point of time, only reflects accusations of harassment on account of demand of dowry towards the petitioners. The suicide note, that is claimed to have been recovered during the investigations, does not attribute any role, to any of the accused, in the commission of the offence and which, as per the claim of the petitioner's side, is in the handwriting of the deceased and duly signed by her.

The petitioners have been found innocent during the course of investigations and subsequently, have been summoned with the aid of Section 319 Cr.P.C. This Court without feeling the necessity to further advert on the merits lest it would prejudice the case of the either party at the trial, the appearance of the petitioners before the learned Trial Court and joining the trial would suffice the purpose, at this juncture.

In view of the aforesaid, the present petition is allowed. Petitioners would appear before the learned Trial Court within one month from today and on their doing so, they shall be released on bail to the satisfaction of the trial Court.

The petition stands disposed off.

04.06.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No