

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-30418 of 2019(O&M)
Date of decision : November 26, 2019

Shallender Kaushal

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Avneet Kaur, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State

Complainant in person

Fateh Deep Singh, J. (Oral)

The brief allegations are that marriage of Lalita alias Preeti (now deceased) daughter of the complainant was solemnized with accused-petitioner Shallender Kaushal on 28.11.2003 and the couple was blessed with a son. The complainant alleges that after the marriage the deceased was continuously harassed physically as well as mentally as the accused husband and his family were not happy with the dowry as a consequence of which a complaint was

moved before the police on 31.7.2004 and a compromise was effected on 25.9.2004 as a consequence of which the deceased was rehabilitated in her matrimonial home. It is further alleged that the accused on 19.5.2006 threw burning cigarette on the deceased regarding which too a complaint was made to the police and FIR No. 620 dated 7.12.2006 under Sections 406, 498-A IPC with Police of SAS Nagar, Mohali was registered. The complainant claims that the atrocities upon his daughter continued and it was brought to their notice repeatedly by the deceased and on 1.1.2019 while the deceased had gone to Kurukshetra, son of the complainant received telephonic call intimating that the deceased was in a precarious condition who died thereafter leading to the registration of the present case.

Learned senior counsel for the petitioner inter-alia argues that the marriage between the couple took place in November, 2003 and after more than 15 years of this marriage when the couple was bestowed with a grown up kid, the alleged occurrence has come about and therefore, is illustrative that the deceased died by way of suicide due to mental illness. It is averred that the deceased died on account of consumption of poison and there is no specific attribution to the petitioner in the commission of

the offence and the petitioner has been falsely roped in because of his incordial relations with the complainant.

Learned State counsel assisted by the complainant has opposed the grant of bail on the grounds that the investigations are underway and if allowed bail, the petitioner would stifle the same. It is vociferously countered by the prosecution that the very seriousness of the incidence reflected in the complaint are suggestive of the role of the accused in this death and therefore, sought dismissal of the same.

Going through the submissions admittedly it is after almost 16 years of matrimony the deceased had died an un-natural death by means of poisoning. To the specific query of the Court as to any document to support the averments of the complainant of previous wranglings between the couple but none was placed on the record to this effect. The post mortem report is not suggestive of any forcible administration of aluminium phosphide which is the cause of death as per the Expert opinion. Nothing is elaborative that it was the accused who abetted this suicide by the deceased wife. The petitioner is behind the bars. Culpability, if any, would be determined at the trial. It is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the

satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,
Kurukshetra.

The present petition stands disposed off accordingly.

The observations made herein above shall have no
bearing on the merits of the case as these are purely for the
disposal of the present bail application.

November 26, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No