

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-38596-2019

Date of Decision:24.09.2019

Anil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Mukesh Yadav, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.397 dated 12.08.2019 under Sections 498-A, 304-B, 406, 34 IPC, registered at Police Station City Mahendergarh, District Mahendergarh.

The aforesaid FIR was registered at the behest of complainant-Dharamvir, father of deceased, whose daughter Manisha had died within seven years of marriage. She was married with the petitioner on 10.12.2012. As per FIR, there are allegations that six months after the marriage, the accused started beating and demanding dowry from deceased-Manisha. Number of times, efforts were made to make the accused understand and as and when the deceased used to come to the house of the complainant, she has taken money ranging from Rs.20,000/- to Rs.30,000/-, so as to fulfil the demand of car and money for construction of kothi/house.

money for the purchase of vehicle and construction of kothi/house is totally false. No such demand has been made in the last six years and eight months of the marriage. On the relevant date, the petitioner was on duty and the construction was going on in his house. He refers to the affidavits of labourers to support his contention. He has further argued that there is no such allegation in the FIR that soon before her death, she was ever subjected to harassment for dowry. He also states that deceased Manisha had died because she used to remain under depression as she had lost three children immediately after their birth. All the children could hardly survive for 3½ months, 3½ years and 4½ months respectively and it is for this reason, she remained under depression.

On the other hand, learned counsel for the complainant refers to the photographs of the deceased and on the basis of said photographs, he submits that present is a case of strangulation and the feet of the deceased touches the ground which corroborates this argument that she was strangled.

Heard learned counsel for the parties.

Considering the fact that the petitioner is husband and the deceased had died in the matrimonial home, affidavit of the labourers that when the construction was going on, no such harassment was given to the deceased, is of no relevance. Considering the nature of allegations and relationship of the petitioner, prayer for grant of anticipatory bail is hereby declined.

Dismissed.

September 24, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No