

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

CRM-M-41227-2019

Date of decision:17.10.2019

OM PARKASH AND ANOTHER

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana
assisted by ASI Gurpal.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek grant of anticipatory bail in respect of FIR No.174 dated 26.6.2018 under Sections 304-B, 34, 498-A IPC, Police Station Sadar Narnaul, District Mahendergarh.
2. The FIR was registered at the instance of Bhoop Singh wherein he alleged that his daughter Priyanka was married to Pritam Singh in February, 2013 and that he had spent an amount of ₹11 lacs in the marriage. However Pritam as well as his parents and his sister-in-law were not happy and were demanding another ₹5 lacs and were harassing his daughter in order to press upon their demands of more dowry. It is alleged that the

complainant paid another amount of ₹50,000/- to the accused and although the accused remained fine for few months but later they again started harassing his daughter. It is alleged that on 26.6.2018 he received telephonic call from his daughter at 5:00 a.m. that her husband Pritam and his parents, sister-in-law and her son had forcibly administered her something to consume and that she was not feeling well and asked the complainant to come to the matrimonial home at the earliest. When the complainant reached at the matrimonial home of his daughter, he found that his daughter was dead. The matter was investigated by the police and upon conclusion of investigation challan was presented against Pritam i.e. husband of the deceased while the present petitioners who are mother-in-law and father-in-law of the deceased were kept in column No.2.

3. During the course of the trial, statement of Bhoop Singh was recorded wherein he reiterated the allegations to the effect that his daughter was harassed by the accused in order to press upon their demands of more dowry. He further categorically stated that his daughter had told him that the accused had administered poison to her by mixing the same in 'Rusgulla' (sweet dish) with an intention to cause her death. Pursuant to recording of aforesaid statement, an application under Section 319 Cr.P.C. was filed by the prosecution which was accepted and the present petitioners were summoned to face trial with other co-accused namely Pritam.
4. Apprehending their arrest, the petitioners have approached this Court by way of filing present petition.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been roped in the present case and that it is a case where the deceased had committed suicide being under depression and the petitioners have no role to play in the alleged suicide. It is further been submitted that in any case petitioner No.1 is blind to the extent of 100% as has been certified in the certificate issued by Civil Surgeon, Narnaul (Annexure P-3).
6. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR and complainant has also stated so categorically in the witness-box, no case for grant of bail is made out.
7. I have considered rival contentions addressed before this Court. Although the petitioners are named in the FIR wherein allegations are also levelled against other members of the family of the Pritam, but I find that the role of the petitioners would be debatable and would be required to be scrutinized minutely especially in view of the fact that petitioner No.1 is stated to be 100% blind. In any case, since investigation has already been concluded, it is not a case where detention of the petitioners would serve any useful purpose. Pursuant to interim directions issued by this Court on 25.9.2019, the petitioners had already appeared before the Investigating Officer. Accordingly, the petition is accepted and the petitioners are directed to appear before the learned trial Court on 19.10.2019, the date already fixed before the trial Court and the trial Court shall release them on regular bail on their furnishing bail bonds and surety bonds subject to

its satisfaction.

8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

17.10.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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