

CRM-M-64574-2018

Date of Decision : 11.01.2019

Anil Kumar and others

.....Petitioners

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vivek K. Thakur, Advocate
for the petitioners.Mr. A.S. Sandhu, Addl.A.G., Punjab
for the respondent-State.Mr. A.S. Manaise, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

This 1st anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.224 dated 07.09.2017 registered under Section 306 of the Indian Penal Code at Police Station, City, Kapurthala has come about by accused/petitioners namely, Anil Kumar-husband, Raj Kumar-father-in-law and Kamlesh Rani-Mother-in-law of deceased, Richa.

The brief allegations spelled out that marriage between the parties took place on 30.01.2012 out of which one daughter, who is still a minor, was born and on account of matrimonial disaccord, the deceased-wife was driven to commit suicide on 07.09.2017 on account of torture and persistent demand of dowry by the accused side. As a consequence, this case was got registered initially under Section 306 IPC in which accused namely, Anil Kumar, Raj Kumar and Kamlesh Rani were arrested and were released on bail on 31.05.2018, 20.07.2018 and 05.10.2018, respectively.

Heard.

Learned counsel for the petitioner is apprehensive of the fact that after the petitioners were allowed bail, an application for addition/alteration of offence under Section 304-B IPC has been moved and there is every likelihood then the petitioners be again send behind the bars when already have been allowed bail.

Though on behalf of the State not much opposition has sought, however, on behalf of the complainant, Mr. A.S. Manaise has sought to oppose the grant of relief on the ground that offence under Section 304-B IPC is likely to be added.

Appreciating the submissions admittedly as on date, an application for addition/alteration of the charges has been moved and the learned trial Court is yet to decide as to the fate of this application. However, it would sub-serve the ends of justice if necessary directions are issued to the trial Court that in case of eventuality of attraction of offence under Section 304-B IPC and on appearance of the accused-petitioners before the Trial Court, they would be released on bail in that offence subject to fulfilling of the conditions envisaged under Section 438 Cr.P.C.

Disposed off on those terms.

(FATEH DEEP SINGH)
JUDGE

11.01.2019
Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No