

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

1. CRM-M No.62044 of 2018

Kanta Bawa

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.1209 of 2019

Rakesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 29th January, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vinod K. Kaushal, Advocate for the petitioners.

Mr. Saurav Khurana, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Both the above detailed anticipatory bail applications under Section 438 Cr.P.C., one by accused petitioner Kanta Bawa and the other by accused Rakesh Kumar, having arisen in the same very FIR bearing No.365 dated 09.12.2017 under Sections 306, 34 IPC pertaining to Police Station A Division, Police Commissionerate, Amritsar, are being taken up together for disposal for the sake of brevity.

It is the allegations levelled by complainant Kuldeep Kumar, brother of the deceased Rajni alleging that marriage of his sister with accused petitioner Rakesh Kumar was solemnized about 17/18 years

prior to this occurrence, which took place on 09.12.2017. Out of this wedlock, three children all minor were born to the couple. It is further alleged that after the death of father-in-law of Rajni, accused petitioner Kanta Bawa started residing at the house of the deceased, as a consequence of which a matrimonial dispute arose and as a sequel to which the deceased was thrown out of her matrimonial home, given beatings and was denied maintenance. Ten days prior to this occurrence, Rajni had come to the house of the complainant and disclosed her plight but was taken back and rehabilitated in her matrimonial home by the complainant. On 09.12.2017, the deceased is alleged to have consumed poison comprising of Aluminum Phosphide leading to her death the same very day and registration of the present case.

Learned counsel for the petitioners Mr. Vinod Kumar Kaushal, Advocate inter alia contends that it was the depressive nature of the deceased which has led to this tragedy and only on a single occasion the husband and the wife had a quarrel and has placed reliance on compromise (Annexure P3), arguing that it was after 17/18 years of the matrimony, the allegations have come about and it would be too preposterous to accept the same, and prayed for grant of bail.

Learned State counsel Mr. Saurav Khurana, Dy. Advocate General, Punjab on instructions from ASI Mangal Singh has opposed the grant of bail on the grounds that it was on account of the act of the accused petitioners, the deceased was forced to take poison and that the settlement by way of compromise is suggestive that there has been a

history of quarrel between the couple and thus, custodial interrogation is very much essential.

Going through the submissions of the two sides, it is not in any manner displaced that after 17/18 years of matrimony the deceased wife had committed suicide by consuming poisonous substance. The own document of the petitioner side (Annexure P3) shows and establishes that the parties were quarreling with each other over petty disputes since a long period of time and there is stipulation that the husband petitioner Rakesh Kumar will bear the expenses of his daughters and the parties would withdraw cases against each other. The same has been reduced into writing on 26.04.2017, a few months prior to this unfortunate incident. The surrounding circumstances of the relations between the parties even after 17/18 years of marriage having been bestowed with children, are illustrative that it was matrimonial disaccord which forced the deceased to take this step. In the light of heinousness of the offense and seriousness of allegations calls for custodial interrogation of the petitioner. Thus, finding no merit, both the present petitions stand dismissed.

(FATEH DEEP SINGH)
JUDGE

January 29, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No