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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1871/2019**

**DAMANDEEP**

..... Petitioner

Through: Mr. Yakesh Anand and Mr. Nimit  
Mathur, Advs.

versus

**STATE NCT OF DELHI**

..... Respondent

Through: Mr. Hirein Sharma, APP for State  
with SI Sanjeet Singh, PS – Rajouri  
Garden

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

**03.09.2019**

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Vide the present bail application, petitioner seeks bail in FIR No. 106/2018 dated 17.02.2018, registered at Police Station - Rajouri Garden, New Delhi for the offences punishable under Section 498A/406/304B/34 IPC, till the final disposal of the trial.

The case of the petitioner is that he has done Masters in Business Administration from the Indian Institute of Foreign Trade, New Delhi and has been working with Deloitte, Gurugram, Haryana as a Market Research Consultant since September, 2017 (i.e. much prior to his arrest). Prior to that the Petitioner was working with M/s KPMG, Gurugram, Haryana.

The Petitioner got married on 06.12.2017 at New Delhi. The Petitioner had known Harinder Kaur for a period of 3 years prior to getting married to each other. They had known each other very well and had a love

marriage. They got married happily after knowing and meeting each other's families. The decision to get married was mutual and the marriage ceremony was a very simple one. There was no force or pressure created by the Petitioner's family in any way.

After marriage, the Petitioner and his wife Harinder Kaur had been living with the Petitioner's family at DE-141/B2, Tagore Garden, New Delhi. The said flat is owned by the Petitioner's mother. The Petitioner's wife Harinder Kaur committed suicide on 16.02.2018 at her matrimonial house by hanging herself, when no other family member was at home.

Consequently, an FIR No. 106/2018 was lodged by the mother-in-law of the Petitioner i.e. Smt. Kulbir Kaur, mother of late Harinder Kaur. As per the allegations in FIR, the Petitioner and his family members created pressure on the bride and her family members to solemnize the marriage ceremony in New Delhi, whereas the bride's family wanted to hold the marriage in Chandigarh. It is also alleged that all the expenditure of marriage of both the sides was incurred by the family of the bride.

Soon after the marriage the Petitioner and his relatives including mother Smt. Amarjeet Kaur, elder brother Sh. Harpreet Singh and his wife Smt. Milandeep Kaur demanded dowry from Smt. Harinder Kaur (wife of the Petitioner). It is also alleged that she was subjected to cruelty and harassment by her husband and other relatives in connection with demand for dowry. She was not allowed to visit her parent's house unless the demands for dowry were fulfilled. Smt. Harinder Kaur (deceased) had narrated all such incidents of humiliation suffered at the hands of Petitioner and his family to her elder sister who is staying in USA and her younger brother Sh. Vikram Singh.

Learned counsel for the petitioner submits that the petitioner and his deceased wife met through a matrimonial website (Bharat Matrimony) in December, 2014. Since then they both used to regularly chat and have telephonic conversations with each other on a daily basis. They both used to meet each other off and on, despite living in different cities. Eventually, after a period of three years (or more) of knowing each other, they both decided to marry each other.

The marriage between the Petitioner and his deceased wife was a dowry free marriage. There was never any demand for dowry by the Petitioner or his family members. Soon after their wedding, the couple went for their honeymoon to Australia on 11.12.2017 and returned back to India on 23.12.2017. It is pertinent to mention that the entire expenses for the honeymoon trip towards cost of air tickets, hotel reservation in different cities, towards shopping and entertainment amounting to around Rs. Five Lakhs was fully borne by the Petitioner.

After their return, on 01.01.2018 Harinder Kaur went to Chandigarh and resumed her official work duties with M/s Infosys. She sought a transfer of her job from Chandigarh Office to Gurugram Office of M/s Infosys. She returned to Delhi on 06.01.2018. Thereafter, the couple lived in their matrimonial home at DE-141/B-2, Tagore Garden, New Delhi peacefully with no issues at all.

It is further stated that she was not keeping well and was a patient of acute migraine and was under medication for the same. She was taking a medicine called 'Naxdom' which is generally used to treat ailments like acute migraine attack, intractable nausea, vomiting, abdominal cramps,

depression etc. It is submitted that even before their marriage, Harinder Kaur used to take the medicines for migraine, depression etc.

Learned counsel for the petitioner submits that even prior to marriage, the Harinder Kaur (deceased) had some issues with her family specifically with her mother. She always felt that she was an unwanted child in the family. She used to get upset and disturbed often, on account of her family issues and her family. She had shared lots of these incidents about herself, her family background and about her family with the Petitioner. She used to find solace in the company of the Petitioner and in sharing personal matters relating to her family with him. She was highly impulsive and hyper sensitive in nature. She also exhibited forgetful behavior and was over emotional on trivial issues in life. The Petitioner during their short period of matrimonial alliance tried to pacify his wife by consoling her with positive thoughts.

However, on 16.02.2018, at around 5:30 p.m. in the evening, Harinder Kaur committed suicide at her matrimonial home in her room by hanging herself. No one was at home at that point of time. This was discovered by the Petitioner's mother and Mrs. Milandeep Kaur, Petitioner's sister-in-law when they returned home at around 6:00 p.m. from the Gurudwara in the neighbourhood. The deceased was immediately taken to Kukreja Hospital by the family members of the Petitioner. The Petitioner was at his office at the time. The moment the Petitioner was informed about the unfortunate incident, he rushed to the hospital to see his wife. On 16.02.2018 at about 8:00 p.m., the petitioner's family informed the family members of Harinder Kaur (deceased) about the suicide attempt made by her and about her condition and hospitalization. Harinder Kaur (deceased) remained

unconscious for over 19 hours in the hospital under the supervision of the doctors and the hospital staff. All possible efforts were made by the doctors to save her life. Unfortunately on 17.02.2018, at about 1:30 p.m. in the afternoon Harinder Kaur passed away.

He further submits that after the death of Harinder Kaur (deceased), the attitude and behaviour of mother of Harinder Kaur and her family members became hostile towards the Petitioner and his family members. On 17.02.2018, the mother of the deceased wife lodged the FIR No.106/2018, U/s 498A/406/304B/34 IPC in police station Rajouri Garden, New Delhi while including petitioner and all his family members, including his brother, his mother and his sister-in-law.

While concluding the arguments, learned counsel for the petitioner submits that one day prior to the incident, the petitioner and her sister had a chat about 20 minutes and on the date of incident, she had chat even with the petitioner but in both the conversations, there was no discussion of any cruelty being done by the petitioner.

On the other hand, learned APP for the State submits that the mother of the deceased had deposited an amount of Rs.1 lakh in the account of the petitioner to specify the demand dowry. The incident had taken place within two months and ten days of the marriage and thus, keeping in view the serious allegations levelled against the petitioner, the present petition deserves to be dismissed.

The fact remains that the petitioner and deceased were working in their respective offices. After their marriage, they both went for their honeymoon and the petitioner has spent an amount of Rs.5 lakhs. Thereafter, there was no complaint ever made to the police or any discussion with the

family members, as per the chat record of the investigating agencies.

In view of the above, without commenting on the merit of the case, this Court is of the opinion that the present case is fit for grant of bail. Let the petitioner be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

The application stands disposed of.

Order *dasti*.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

**SURESH KUMAR KAIT, J**

**SEPTEMBER 03, 2019**

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