

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

CRM-M-13422-2020

Date of Decision:-19.08.2020

SHANKAR DAS

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Ms. Arti, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

*(the aforesaid presence is being recorded through video  
conferencing since the proceedings are being conducted in Virtual  
Court)*

\*\*\*\*\*

**GURVINDER SINGH GILL, J.**

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.23 dated 11.2.2020 under Section 304-B IPC at Police Station City Samana, District Patiala.
2. The FIR in question was lodged at the instance of Munshi Ram wherein it has been alleged that his daughter Manjeet Kaur was married to Shankar Das in the year 2015. On 25.12.2017 his son-in-law informed him that Manjeet Kaur had consumed poisonous spray on account of which she was admitted in Rajindra Hospital, Patiala. Later Manjeet Kaur was shifted to A.P.Hospital, Chhoti Baradari, Patiala but she ultimately expired on 26.12.2017. It is further stated therein that at that time he had made a statement that his daughter had consumed some tablets at home

and that he does not suspect any foul play or involvement of his son-in-law in any manner. However, now he had come to know that Shanker Dass as well as her daughter's mother-in-law Bindia Rani and her brother-in-law Amarjeet Singh had a fight with his daughter and on account of which her daughter had consumed poisonous medicine and had ended her life.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case after about 2 years of the death of complainant's daughter and that the falsity of the case would be evident from the fact when complainant's daughter expired on 26.12.2017 he had made a statement to the police that his daughter had consumed some expired medicine negligently and that there was no foul play in her death and that his son-in-law or any other member of her family had no role to play in death of her daughter.
4. Opposing the petition, learned State counsel has submitted that since there are specific allegations levelled in the FIR and that the death had taken place within about 2 years of marriage of complainant's daughter, no case for grant of anticipatory bail is made out. It is further submitted that delay in lodging the FIR was on account of the fact that the final opinion regarding cause of death was given on 28.8.2019 wherein it was mentioned that it was case of organophosphorus poisoning. Learned State counsel has however informed that the petitioner has since joined investigation.

5. I have considered rival submissions addressed before this Court.

6. Keeping in view the fact that there is a delay of 2 years in lodging the FIR coupled with the fact that during the said 2 years the complainant never raised a finger against the petitioner or other members of his family and had given them clean chit immediately when her daughter had expired by stating that he does not suspect any foul play and while also noticing that the petitioner has since joined investigation, in my opinion, it is not a case which would warrant any custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 8.7.2020 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**( GURVINDER SINGH GILL )**  
**JUDGE**

19.08.2020  
Gaurav Sorot

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