

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

114

**CRM-M-13347-2020
Decided on : 01.06.2020**

Smt. Prem @ Prema

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 438 Cr.P.C., the petitioner is seeking concession of anticipatory bail in case FIR No.55 dated 01.03.2020 under Sections 304-B, 498-A, 34 IPC registered at Police Station, Jui Kalan, District Bhiwani.

The matter has been taken up by way of Video Conferencing facility in view of COVID-19 situation, as per instructions issued.

The petitioner is the mother-in-law of the deceased Pooja, who was married to Mukesh.

Counsel for the petitioner has argued that both the mother-in-law and the father-in-law are innocent and the marriage had taken place six years back.

A perusal of the FIR which has been lodged by the brother of the deceased namely Anand would go on to show that there were allegations of harassment of dowry and the deceased had also been taken back to her parental home for the last 2-3 months and had been again sent to her

matrimonial home. She was found eventually hanging by a *Sari* affixed in the iron grider of the room of the matrimonial house. The deceased has left behind two minor daughters who are around 4 ½ and 1 ½ years old. A suicide note has also been recovered wherein the mother-in-law has been specifically blamed and the deceased had penned down her expressions that she loved her minor daughters and, therefore, the immediate family members have compelled her to commit suicide.

Counsel for the State submits that even a period of 7 years since the date of marriage has not gone by and, therefore, presumption as such would be against the family members. The Additional Sessions Judge while declining the benefit of anticipatory bail had noticed that a pen-drive of telephonic conversation of deceased wherein allegations of harassment were there against the applicant/petitioner apart from the suicide note and that she was brought back by her husband just 10 days prior to occurrence.

Keeping in view the fact that she had been forced to commit suicide and there was also a suicide note implicating the petitioner alongwith other family members and the husband was also settled in Gujarat and she has been forced to end her life, in the opinion of this Court it is not a fit case to grant anticipatory bail, in the facts and circumstances. The argument as such that the report is yet to come from the FSL regarding the handwriting would not as such entitle the petitioner for anticipatory bail, keeping in view the fact that the brother of the deceased has levelled allegations in the FIR also before the suicide note

was recovered.

In such circumstances, no case is made out for granting the benefit of anticipatory bail to the petitioner. Needless to say that any observations made herein are only for declining the anticipatory bail and do not comment upon the merits of the case.

Resultantly, there is no merit in the present petition filed for anticipatory bail and the same is dismissed.

June 01, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No