

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13556 of 2020(O&M)
Date of Decision: 27.11.2020

Dharma Devi

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Ms. Manpreet Kaur, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.0116 dated 08.04.2020 registered under Sections 304-B, 34 IPC at Police Station Khedki Daula-Gurugram.

On 02.06.2020, following order was passed:-

“The petitioner is seeking anticipatory bail in FIR No. 0116 dated 08.04.2020 under Sections 304-B and 34 of Indian Penal Code, 1860 registered at Police Station Khedki Daula-Gurugram.

As per the facts set out in the plaint, the petitioner had

got her son married to the deceased on 09.12.2016 and that time the brother of the deceased-complainant was around 18 years old and parents of the deceased had already expired before the marriage of the deceased. Hence, in this backdrop, there was no possibility that there could be any demand of dowry. The husband of the deceased had already been arrested.

Notice of motion.

Mr. Deepak Sabherwal, Additional Advocate General, Haryana, accepts notice on behalf of the State.

In the meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of her arrest, she will be released on bail by the Investigating Officer on her furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C.:-

1. that the petitioner will make herself available for interrogation by a police officer as and when required;
2. that the petitioner will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
3. that the petitioner will not leave India without the prior permission of the Court;
4. such other condition as may be imposed under sub section(3) of Section 437, as if the bail was granted under that section.

List on 27.10.2020.”

On the adjourned date, learned State counsel opposed the prayer on the ground that dowry articles have not been returned by the petitioner. On being confronted in respect of list of dowry articles having not been supplied, Investigating Officer

was directed to give a list of dowry articles sought to be recovered from the petitioner vide order dated 27.10.2020.

Learned counsel for the petitioner submits that on receipt of list, the petitioner sought to hand over the dowry articles but brother of the deceased/complainant flatly refused to accept the same and asserted that he is interested in getting the accused arrested in the case.

The factum of not receiving the dowry articles by the complainant has been verified by the learned State counsel on instructions from ASI Subhash.

Learned counsel for the petitioner further submits that son of the petitioner was blessed with female child from the womb of the deceased. The minor child is still with grandmother i.e. petitioner. Even taking of custody of the minor child after the death of the deceased was refused by the complainant.

Petitioner is mother-in-law of the deceased Sonia. The marriage of the son of the petitioner was solemnized with deceased on 29.12.2013. At the time of marriage, the complainant was about 18 years of age. Parents of the complainant and deceased had already expired before her marriage.

In view of aforesaid situation, it would be debatable as to the allegations of demand of dowry, constituting cruelty and

harassment.

Learned State counsel on instructions from ASI Subhash submits that in pursuance of order dated 02.06.2020, the petitioner has joined the investigation and is no more required for further investigation in the case.

In view of above, order dated 02.06.2020 is made absolute. However, petitioner is directed to join the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

27.11.2020
Prince

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No