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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26093 of 2020
Date of Decision: 10.12.2020

JAGDISHPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Karan Garg, Asstt. A.G., Haryana.

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.130 dated 28.06.2020 registered under Sections 304-B/498-A/34 IPC at Police Station Julana District Jind.

On 22.09.2020, following order was passed by the Co-ordinate Bench of this Court:-

"The Court has been convened through video conferencing due to Covid-19 pandemic.

Status report dated 16.09.2020 by way of an affidavit of Deputy Superintendent of Police, Detective Jind, District Jind has been filed by the State counsel, in compliance of the order dated 04.09.2020. Same is taken on record. Copy has been supplied to counsel for the petitioner.

Counsel for the petitioner has argued that the petitioner is 53 years old, who retired from the post of Constable from the Border Security Force. His daughter-in-law committed suicide by hanging on 02.03.2020 as she was under mental stress for the reason that she had conceived twice in the years 2017 and 2018 but on both occasions, she gave birth to a premature child, who died within few days of birth. According to the counsel, the deceased remained under medical treatment in the Jindal Institute of Medical Sciences, Hisar, in 2019 as she was not able to conceive again. Counsel contends that a perusal of the FIR, which was registered after more than three months by the father of the deceased, shows that the allegations regarding demand of dowry and harassment levelled against the accused are general in nature. Still further, he submits that the husband of the deceased has been arrested and is in custody since 18.07.2020. According to the counsel, challan has already been presented on 10.09.2020.

Counsel has also taken the Court through the status report filed by the State, wherein the postmortem examination of the deceased has been reproduced. Same deserves to be noticed:-

“In our opinion, after going through the FSL Report No.20/RFSL/RTK/2003/80414 dt. 24.04.2020 Toxi No.336/20 of PMR No.SD/MS/10/J/PMR/2020 dt.3.3.2020, No common poison could be detected in this FSL Report, the cause of death in this case is asphyxia due to hanging which is antemortem in nature and sufficient to cause death in normal course of life.”

Adjourned to 10.12.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of

Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

22.09.2020
pooja saini”

(SUVIR SEHGAL)
JUDGE

Learned counsel for the petitioner by referring to the background of the case submitted that the petitioner is retiree. His daughter-in-law committed suicide due to mental stress owing to birth of two premature children on two occasions and her inability to conceive in future. The FIR came to be registered after more than three months of her death. Allegations of demand of dowry and harassment are general in nature.

Learned counsel further submitted that during currency of the interim order dated 22.09.2020, challan stands presented before the trial Court and the trial Court has granted interim regular bail to the petitioner.

Filing of challan and grant of interim regular bail have not been disputed by learned State counsel on instructions from ASI Ashok Kumar.

In view of aforesaid factual position, the interim order dated 22.09.2020 is made absolute.

Petition stands disposed of.

December 10, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No