

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

201

CRM-M No.20087 of 2020

Date of Decision: 28.01.2021

SOMVIR

....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Bipan Ghai, Sr.Advocate with
Ms. Harneet Punnu, Advocate and
Mr.Paras Talwar, Advocate
for the petitioner.

Mr.Anant Kataria, DAG, Haryana.

Mr.Sanchit Punia, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

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

This petition has been filed under Section 438 Cr.P.C.
seeking anticipatory bail in case bearing FIR No. 188 dated
25.05.2020 under Sections 304-B read with 34 IPC registered
at Police Station Adampur District Hisar.

According to the prosecution, marriage of the
petitioner was solemnized with Luxmi (since deceased) on
23.02.2015. Two children were born out of this wedlock and
they are staying with the petitioner. On 28.02.2020, Luxmi

consumed some poisonous substance. She was hospitalized where she died on 06.03.2020. After more than two months of the death of Luxmi, her mother got the present FIR lodged against the petitioner and his family members. During proceedings under Section 174 Cr.P.C., police had recorded statement of the petitioner, which was duly verified by his father-in-law i.e. Ram Partap (father of deceased Luxmi). His statement under Section 175 Cr.P.C. was also recorded in which he had stated that his daughter had consumed poisonous substance inadvertently, which was kept near her medicines. He further admitted that his daughter Luxmi was mentally upset for the last many days and was on treatment.

Notice of motion was issued on 23.07.2020 by passing the following order:-

“Case has been taken up for hearing through video conferencing, due to pandemic Covid-19.

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioner-Somvir in case FIR No. 188 dated 25.05.2020 registered under Section 304-B read with Section 34 IPC at Police Station Adampur, District Hisar.

Mr. Sanchit Punia, Advocate has put in

appearance on behalf of complainant on his own, though she has not been impleaded as respondent. Vakalatnama along with certain documents sent by learned counsel for the complainant through e-mail is taken on record. Be tagged at the appropriate places.

According to the prosecution, marriage of petitioner with Luxmi (since deceased) was solemnized on 23.02.2015. Two children were born out of their wedlock, who are staying with the petitioner. On 28.02.2020, Luxmi wife of petitioner consumed poison. Immediately, she was got admitted in the hospital and died on 06.03.2020. After more than two months, thereafter, mother of Luxmi got lodged the instant FIR against the petitioner and his entire family members. Proceedings under Section 174 Cr.P.C. were conducted. At that time, police had recorded statement of petitioner which was duly verified by Ram Partap father of deceased-Luxmi by making statement under Section 175 Cr.P.C., stating therein that his daughter had consumed poison by mistake thinking it to be a medicine.

Learned counsel inter alia contends that

petitioner has falsely been implicated in the instant case. FIR was registered after two months of the occurrence.

On the other hand, learned counsel for the complainant vehemently opposed the submissions of learned counsel for the petitioner.

Notice of motion for 28.09.2020.

In the meanwhile, the petitioner is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

*July 23, 2020
rishu”*

*(Ramendra Jain
Judge*

Vide order dated 28.09.2020, statement of the father of the deceased, Ram Partap, recorded under Sections 174 and 175 Cr.P.C. along with FSL report was ordered to be placed on record by the learned State counsel.

In compliance of the aforesaid order, Learned State counsel has filed a short reply by way of affidavit of Abhimanyu Lohan, HPS, Deputy Superintendent of Police, Detective, Hisar

along with statement of Ram Partap (father of deceased) and FSL report.

Perusal of statement of Ram Partap would show that it is in consonance with the assertion made by learned counsel for the petitioner. Perusal of FSL report would show that an organo phosphorous pesticides was detected in Ex.1a, 1b, 1c and 2. No common poison could be detected in Ex.1d.

Learned State counsel, on instructions from ASI Rohtash Kumar, submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is not required in any further investigation of the case.

Learned counsel for the complainant, however, opposed the bail on the ground that custodial interrogation of the petitioner is required in order to unearth the issue of unnatural death of Luxmi.

In view of above, interim order dated 23.7.2020 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

January 28, 2021

anita

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable- Yes/No