

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

220

**CRM-M-30330-2021
Decided on : 25.08.2021**

Pawan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Tanvir Singh Grewal, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Rajesh Kumar.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner, in case FIR No. 253, dated 19.08.2019, registered under Sections 304-B, 498-A, 34 of IPC, lodged at Police Station Sadar Jhajjar, District Jhajjar (Haryana).

Learned counsel for the petitioner *inter alia* submits that the deceased wife of the petitioner was a short tempered lady. She had earlier also attempted suicide, but was saved by none other than the petitioner. He further submits that the suicide note left behind by the deceased does not in anyway implicate him in the offence in question and that the deceased has rather, as per the suicide note equated him with God. It has also been contended that as per the FSL report, no definite opinion is forthcoming *qua* the author of the suicide note.

Learned counsel for the petitioner further submits that the FIR in question was lodged by the brother of the deceased almost two years back and during this period, the investigating agency had not been able to collect any

incriminating evidence against him. However, he now apprehends his arrest in the case in hand. Therefore, the petitioner be extended the concession of anticipatory bail.

Upon issuance of notice of motion, reply by way of affidavit of Rahul Dev, HPS, Deputy Superintendent of Police, City Jhajjar, District Jhajjar, on behalf of the respondent-State has been filed in the registry. Same is taken on record, subject to all just exceptions.

Learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. While inviting the attention of this Court to the status report so filed by the State, learned State counsel has submitted that the petitioner in the instant case could not be arrested because the suicide note was sent to the FSL along with the sample hand writing and signatures obtained by the investigating agency. The FSL report dated 10.07.2020 was received after a gap of seven months and thereafter, several efforts were made to arrest the petitioner, but he could not be arrested and thereafter, due to the outbreak of the pandemic COVID-19, the investigating agency was unable to conduct further raids for procuring the arrest of the petitioner.

Learned State counsel has further submitted that so far as the FSL report is concerned, the said report has not given any clean chit to the petitioner and his family members. Besides, the deceased died an unnatural death within seven years of her marriage and there are specific allegations of cruelty and demand of dowry, hence, his custodial interrogation would be required for a proper and thorough investigation in the matter.

I have heard learned counsel for the parties and perused the case file.

The fact of the matter is that the FIR in question was lodged by none other than the brother of the deceased, wherein, he specifically attributed a role to

the petitioner and his family of subjecting the deceased to mental and physical harassment and also of turning her out of the matrimonial home, as a result of which, she stayed in her parental home for two months. However, subsequently, as the petitioner and his family admitted their mistakes, the deceased returned to her matrimonial home, but the bonhomie was short-lived, as the petitioner and his family again started harassing the deceased. Much stress has also been laid by the learned counsel for the petitioner on the suicide note to hammer-forth the point that it did not contain anything against the petitioner, but seeing to the tone and tenor of the suicide note coupled with the allegations contained in the FIR in question, this Court is of the opinion that it is admittedly not a case for grant of anticipatory bail, as the deceased admittedly died an unnatural death within seven years of her marriage in her matrimonial home.

Petition stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

August 25, 2021

J.Ram

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