

107.

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

CRM-M-33939-2021

Date of Decision: 21.09.2021

MAHAVIR AND ANR

.... Petitioners

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Jain, Advocate, for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

JAISHREE THAKUR.J

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners, who are parents-in-law of the deceased, in case FIR No.206, dated 06.09.2020, registered under Sections 304-B, 34 of IPC at Police Station Chhainsa, District Faridabad.

In brief, the facts are that an FIR came to be registered at the behest of Lajja wife of late Shri Sohan Lal, with the allegations that she had solemnized the marriage of her daughter Babita (since deceased) with Sonu (son of the petitioners herein), who was being harassed by her husband and his family members. It was submitted that on the night of 24.08.2020, the accused persons tried to kill her by strangulating her. On that night, the younger daughter of the complainant, who was married to the younger brother of Sonu, namely, Devender, called the complainant stating that the accused had taken Babita to a hospital presuming her in a dead state. The complainant reached the hospital and she was informed that the condition of

Babita is critical and she was undergoing treatment. Babita was kept for 11 days in the hospital and thereafter, shifted by the accused to another hospital where she was refused admission by the doctor and after that she was taken to another hospital where she was declared dead.

Learned counsel for the petitioners would contend that the petitioners herein have been falsely implicated in the said FIR and that they have no role to play. It is further submitted that the matter already stands investigated and as on date, they have not been arrested despite the fact that challan has been presented but now fearing arrest, anticipatory bail is being prayed for.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of the respondent-State. She opposes the grant of anticipatory bail by contending that the younger daughter of the complainant who was married to the younger brother of the husband of Babita called and informed that the accused Sonu had strangled Babita and he had called his brother Devender on the pretext of taking Babita to the hospital due to some illness. It is argued that the complainant had specifically submitted that Babita had been given beatings which led to her falling unconscious. Babita had come back to her parental home in injured condition and a complaint had been lodged in Police Station Chhainsa against the accused but the matter was settled with the help of respectables. It is also argued that Babita was continuously tortured and beaten up by Sonu to fulfill his demand of a car. She remained at the parental home for a period of 3-4 days on the advise

of the complainant and went back to her matrimonial home where within a month, she was murdered. There is specific averment made that there was continuous harassment and beatings given to the deceased. Even the deposition of Sunita wife of Devender (who is none other than the son of the petitioners herein) has clearly stated that the accused Sonu and his family members i.e. parents, *jeth* and *jethani* used to torture the deceased for demand of a motorcycle and cash amount for her treatment. There is a specific averment that the accused persons committed the murder of the deceased Babita by hanging.

I have heard learned counsel for the parties and considered the arguments as raised, as well as perused the statements of the complainant and his daughter Sunita, who was married to the younger son of the petitioners herein.

The FIR has been got registered against Sonu, his parents and other family members. A perusal of the testimonies would show that there are specific allegations against the petitioners that they had tortured and that Babita died in unnatural circumstances. Even the daughter-in-law of the petitioners has supported the allegations which need to be investigated.

In view of above, this Court does not find any ground for interference. Hence, the present petition seeking anticipatory bail to the petitioners, stands dismissed.

(JAISHREE THAKUR)
JUDGE

21.09.2021
sanjeev

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