

206+101.

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

CRM-M-37670-2021 (O&M)

Date of Decision: 28.10.2021

ROHIT DABAS

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rupinder Khosla, Senior Advocate, with
Mr. Pardeep Singh Poona, Advocate, for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Vinod Ghai, Senior Advocate, with
Mr. Edward Augustine, Advocate,
for the complainant.

JAISHREE THAKUR.J (Oral)

CRM-35790-2021

Application is allowed, as prayed for.

Rejoinder filed on behalf of the petitioner to the reply filed on
behalf of the State, is taken on record.

CRM-M-37670-2021

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No.104, dated
06.08.2021, registered under Sections 328/498-A/406/506 of IPC at Police
Station Sector 27, Sonipat.

Counsel for the petitioner would allege false implication of the petitioner in the said matter by contending that the allegations of demand of dowry and administering poison to the daughter of the complainant are absolutely false. It is argued that *roka* ceremony of the petitioner herein with the daughter of the complainant took place on 19.01.2020 and the marriage was solemnized in a simple and small function without dowry at Ghaziabad in Hotel Golden Tulip on 11.12.2020. It is argued that the family of the petitioner was strictly against the practice of dowry and, therefore, no such dowry articles were accepted. The entire expenses of the marriage were met by the petitioner and his family members. It is also argued that after the marriage, the petitioner took his wife i.e. the daughter of the complainant on a honeymoon where they stayed for 4 days in a five star hotel and all expenses were met by the petitioner and his family member. It is further argued that the allegation that the petitioner and his family members had administered poison to the daughter of the complainant is factually incorrect as would be borne out from the CCTV footage which has been supplied to the State which would reflect that she walked out of the house and was not supported in any manner whatsoever. It is also argued that in case the medical condition of the daughter of the complainant was bad, then any prudent father would have taken her to a hospital close-by instead of driving for hour and half to have her admitted at Sonipat.

This Court, while taking note of the arguments made, had stayed the arrest of the petitioner to enable the State to file a reply regarding the content of the video of the CCTV footage and the FSL report.

Learned senior counsel appearing on behalf of the complainant would submit that the complainant received a phone call from his daughter around 9.45 PM in which she stated that *“Rohit and his parents and Ritu are planning to kill me. My life is in danger. Take me away from here.”* Thereafter, the complainant left for Ghaziabad and saw the condition of his daughter was bad and he took her away from there and got her admitted into a hospital at Sonipat where her stomach wash was done. It is contended that his daughter has been harassed on account of demand of dowry and since the same was not fulfilled, she was administered poison.

On the other hand, learned State counsel would submit that custodial interrogation of the petitioner herein is required because the FSL report itself would reflect that stomach wash which was done reflects that malathion was detected in exhibit-1 which is a liquid stated to be gastric lavage.

I have heard learned counsel for the parties and prima facie find that in the given circumstances where the FSL report itself supports presence of malathion in the gastric lavage, no case for grant of anticipatory bail to the petitioner is made out. The argument that the report regarding the contents of the CCTV footage is still awaited, which would reflect that the daughter of the complainant walked uprightly out of the house without stumbling, would by itself be no indication that poison had not at all been administered. Also, the argument that any prudent father would have got his daughter admitted in a hospital nearby instead of waiting for admitting her at Sonipat, would not be sustainable considering the fact that the gravity of her condition would be discernible only to her father who was driving her back

to her parental home.

Therefore, in view of the serious allegations as set out in the FIR coupled with the FSL report, the custodial interrogation of the petitioner would be essential for effective investigation.

Petition stands dismissed.

After the dismissal of this petition, another argument has been raised that there is every possibility that malathion was inducted into the gastric lavage of the complainant subsequently since the daughter of the complainant had been taken to a private hospital of their choice, which is not sustainable at the present moment as it is for the Investigating Officer to look into all these issues.

Any observation made herein shall not be construed to be an expression of opinion on merits of the case and the trial Court shall decide the case on the evidence available before it.

(JAISHREE THAKUR)
JUDGE

28.10.2021

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No