

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.34128 of 2020

Date of Decision: January 28, 2021

Dilavar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.100 dated 14.08.2020, under Section 306 IPC, 1860, registered at Police Station, Banur, District SAS Nagar (Mohali). The petitioner apprehended his arrest at the hands of police in the above FIR.

The above FIR was registered on the statement of Jai Bir son of Dibli Singh, wherein it has been alleged that his daughter Diksha was married to Dilavar Singh on 12.12.2018, but after some time, her husband started harassing his daughter. On 12.08.2020, he received a call from his daughter, who informed that she was being harassed by her husband. Later on, her mother-in-law Meena Kumari informed the complainant that Diksha consumed some poisonous substance and is being taken to GMCH, Sector 32, Chandigarh, where she died on 13.08.2020. As per allegations, after giving statement to the police, his daughter informed him in the hospital that

her husband Dilavar Singh had given beatings to her and she consumed medicine of rat killer because of harassment. According to the allegations, the statement before the police was under coercion. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has invited the attention of the Court to the statement of the victim before police, which was recorded on 12.08.2020 after the alleged incident. As per the statement, it was stated that she accidentally consumed the poisonous substance while opening the packet containing the rat killer medicine. The said statement reads as under:-

“It is requested that today I was present at my home. I am married. Today on 12.08 at 11.00 AM I was opening the packet of rat killer medicine with my mouth, accidentally the said powder intact in my mouth. Vomiting had started. Thereafter, I was got admitted in hospital at Sector 32, Chandigarh by my husband Dilavar Singh and my mother-in-law Meena. Where, I am under treatment. The occurrence had happened accidentally, no one is responsible for the same, nor I want to take any legal action against anyone.”

Learned counsel for the petitioner submits that the allegations levelled by the complainant are contrary to the stand of the victim and, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary as the petitioner is still willing to join the investigation.

On the other hand, learned State counsel, assisted by SI Manish Kumar, has opposed the prayer on the ground that the father has levelled allegations of harassment against the petitioner, but does not dispute this fact that the victim got her statement recorded on 12.08.2020 and did not blame anyone for the said occurrence. According to him, the case is under

investigation and it would be ascertained after completion of investigation if the statement of the victim was given voluntarily or was under coercion.

After hearing the learned counsel for the parties, this Court finds that in the given facts, the custodial interrogation of the petitioner may not be necessary. Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that in the event of arrest, the petitioner shall be admitted to 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.

January 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No