

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

**CRM-M-45960-2021**  
Date of Decision: 6.12.2021

Narender and another ..... Petitioners  
Versus  
State of Haryana and another ..... Respondents

**CRM-M-47777-2021**

Ramphal ..... Petitioner  
Versus  
State of Haryana ..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sanjay Malik, Advocate and  
Mr. S.K. Agnihotri, Advocate, for the petitioners.  
Mr. B.S.Virk, Deputy Advocate General, Haryana.  
Mr. Sanjay Vashisth, Advocate, for respondent No.2.

**Rajesh Bhardwaj, J. (ORAL)**

This order will dispose of two petitions bearing CRM-M-45960-2021 and CRM-M-47777-2021, as the both arise out of the same FIR.

Prayer in the present petitions is for grant of anticipatory bail to the petitioners in a case FIR No.316 dated 19.8.2021 registered under Sections 306, 34 IPC, at Police Station Safidon, District Jind.

As per the factual matrix of the case, the FIR in question was registered on the statement of the complainant, namely, Vedpal. It was alleged that marriage of his sister Poonam was held in the year 2007 with

Sukhjinder @ Kala. After the marriage, his sister was being harassed by Ramphal uncle (Tau) of her husband and his family on account of dowry. The other members of the family, namely, Manoj, Narender, Kanta, Rani and her husband Sukhjinder also used to quarrel with her and used to demand dowry. His sister had sent him suicide note and some audio clips on whatsapp, which had been presented to the police. His sister used to tell him by naming Sukhjinder, Ramphal, Manoj, Narinder, Kanta wife of Ramphal and Rani wife of Narinder that one day due to these people she would die and she sought help. These people demanded dowry and beat her and ultimately his sister committed suicide. On these allegations, the FIR was lodged to take action against the culprits. The petitioners approached the learned Additional Sessions Judge, Jind for grant of anticipatory bail. After hearing the parties, the same was declined by the learned Additional Sessions Judge vide his orders dated 19.10.2021 and 12.10.2021. Aggrieved by the same, the petitioner approached this Court for grant of anticipatory bail.

Learned counsel for the petitioners has vehemently argued that the petitioners are innocent having been falsely implicated in the FIR. He submits that the petitioners are not even in the close relations of deceased Poonam as petitioner-Ramphal is brother of her father-in-law and petitioners-Narender and Manoj are his sons. He submits that the petitioners were living separately from the family of the deceased and just because they are the blood relatives of the in-laws of the deceased, they have been arrayed as accused in the FIR. It is submitted that Ramphal is a senior citizen. He submits that the marriage took place in the year 2007 and hence,

it is apparent from the facts on record that the allegations are fabricated and no offence as alleged can be said to have committed by the petitioners. He submits that a conjoint reading of Sections 306 IPC with 107 IPC would show that the petitioners cannot be said to have abetted the suicide of the deceased. He submits that the co-accused Kanta and Rani have already been granted anticipatory bail. In nut shell, it is submitted that no case for custodial interrogation is made out, however, the petitioners are ready to join the investigation and abide by the terms and conditions of the anticipatory bail, if the same is considered.

Mr. Sanjay Vashisth, Advocate, for respondent No.2-complainant has vehemently opposed the submissions made by learned counsel for the petitioners. He submits that the petitioners and deceased were living together in a joint family. He has submitted that the allegations in the FIR are specific in nature and the petitiones have played a key role in instigating the deceased to commit suicide. He has also argued that the suicide note and audio clip received specifically contain the names of the petitioners for beating the deceased and causing harassment to her continuously. He submits that as the harassment caused to the deceased by the petitioners was since beginning and hence, the petitioners cannot be exonerated from the offence they have committed. He submits that no case for grant of anticipatory bail to the petitioners is made out, hence, the present petitions deserve to be dismissed.

Status report by way of an affidavit of Sadhu Ram, Deputy Superintendent of Police, Safidon, District Jind has been filed.

Learned State counsel has opposed the submissions made by

learned counsel for the petitioners. He submits that the allegations against the petitioners are categorical. Suicide note and audio clip record specifically name the petitioners of having harassed the deceased and just because of the harassment caused by the petitioners, she committed suicide. He has drawn the attention of this Court to the various documents showing the investigation conducted so far. He has argued that the statement of the minor son of the deceased, namely, Yash has been recorded under Section 161 Cr.P.C., which would show that the child witness has levelled specific allegations not only against the petitioners but against his own father as well. It has been stated by the child witness that the petitioners alongwith the co-accused used to beat his mother and in case his grand-parents intervened to save her then, his father used to beat the grand-parents as well. Learned State counsel further submits that the role of the petitioners is very specific which amounts to abetting the suicide of the deceased. He submits that the allegations are serious, the investigation is in progress and to elicit the truth in the allegations and counter-allegations, a thorough investigation is required. He submits that in the facts and circumstances of the present case, custodial interrogation of the petitioners is required and thus, the petitions deserve to be dismissed.

Heard learned counsel for the parties.

The allegations in the FIR are specific in nature. The marriage in question took place in the year 2007. The petitioners are alleged to have caused physical and mental harassment to the deceased since beginning. The case of the petitioners is entirely different from the co-accused Kanta and Rani. For a thorough investigation, in the fact and circumstances of the

case, the custodial interrogation of the petitioner is more appropriate. In the overall facts and circumstances of the case, when viewed on the anvil of conditions enumerated in Section 438(1) Cr.P.C., the case of the petitioners do not qualify the same. In view of the above discussions, this Court finds that the petitions are devoid of any merit and hence, are dismissed. Needless to say that, nothing said herein above would have any bearing on the merits of the case.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**6.12.2021**  
sharmila

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |