IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46635-2021 (O&M)
Date of Decision: November 08, 2021

Ajay Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

****

JAISHREE THAKUR, J. (Oral)

This is a *second* petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.151 dated 25.09.2019, registered under Sections 306, 34 of Indian Penal Code at Police Station Division No.5, Jalandhar.

It is worthwhile to note that in the first bail petition bearing CRM-M-51039-2019 titled as *'Ajay Kumar and another vs. State of Punjab'* had been filed for grant of anticipatory bail to the petitioner, who were stated to be husband and mother-in-law of the deceased-Veena Kumari. By an order dated 30.01.2020 passed in the said criminal misc. petition, arrest of the petitioners herein had been stayed limited for a period till the viscera report was made available to the court, since the deceased had consumed intoxicating chemical and had committed suicide on account of harassment being caused by the petitioners. By the said order, the petitioners herein had

VIJAY SAINI
2021.11.09 11:00
I attest the accuracy of this
order

been directed not to leave the country or abscond and were directed to deposit their passports with the Investigating Officer. The matter was taken up on16.09.2021, on which date counsel for the petitioners sought to withdraw the first petition, after arguing for some time.

The instant *second* petition for grant of anticipatory bail has been filed on the ground that there was a compromise deed dated 25.09.2017 which inadvertently could not brought to the notice of the court, which is relevant. Placing reliance upon the said compromise deed, the petitioners herein, who are the husband and mother-in-law of the deceased, seek to re-agitate the matter and pray for grant of anticipatory bail.

I have heard learned counsel for the petitioners and have also gone through the pleadings of the case.

This court finds no ground to allow anticipatory bail to the petitioners herein, considering the fact that the matter had already been argued and when this court was not inclined to allow anticipatory bail to the petitioners, counsel for the petitioners sought to withdraw the first bail petition. It is worthwhile to note that that the compromise deed that is being relied upon is dated 25.09.2017, which would not be relevant to the date of the incident, which took 02 years ago. Petitioner No.1-Ajay Kumar solemnized a marriage with Meenu Kumari and on account of matrimonial differences, a petition had been filed and divorce allowed, however, the parties started residing together after divorce had been allowed and it is thereafter, that deceased-Meenu Kumari committed suicide. The said compromise deed was well within the knowledge of the petitioners when the first bail petition was filed and it cannot be said that inadvertently the

VIJAY SAINI
2021.11.09 11:00
I attest the accuracy of this
order

same was not relied upon.

Moreover, the first bail petition filed before this court bearing CRM-M-51039 of 2021 was withdrawn by the previous counsel on September 16, 2021 after arguing the matter (Annexure P-6) and this second petition has been filed on 01.11.2021. This court finds no change in circumstances which warrants interference by this court. Accordingly, the instant second petition for grant of anticipatory bail is hereby dismissed.

(JAISHREE THAKUR)
JUDGE

November 08, 2021
vijay saini

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

VIJAY SAINI
2021.11.09 11:00
I attest the accuracy of this
order