

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11364 of 2022 (O&M)
Date of Decision: 8th April, 2022

Gautam Khanna

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. E. Masih, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.
Mr. APS Deol, Senior Advocate with
Mr. Vishal Lamba, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

CRM-13301 of 2022

This is an application seeking impleadment of Dr. Roshan Lal
(father of the deceased) as respondent No. 2.

Notice in the application to the non-applicant.

Mr. E Masih, Advocate, Advocate accepts notice on behalf of
the petitioner. He has no objection to the impleadment of the complainant
as respondent No. 2.

For the reasons mentioned in the application. The complainant
is impleaded as respondent No. 2.

Amended memo of parties annexed with the application is
taken on record.

CRM-13302 of 2022

The application is allowed, subject to all just exceptions.

The documents annexed with the application are taken on

record.

Main petition

This petition is filed for grant of anticipatory bail in FIR No. 30 dated 28.2.2022, under Section 304 IPC, registered at Police Station Mataur, District SAS Nagar.

On 17.3.2022, following order was passed:

“Due to COVID-19 situation, the Court is convened through video conference.

The petitioner is seeking anticipatory bail in FIR No. 30 dated 28.2.2022, under Section 304 IPC, registered at Police Station Mataur, District SAS Nagar.

Complainant-Dr. Roshan Lal alleged that her daughter-Anshika Rajvanshi (deceased) died in her matrimonial home otherwise than under normal circumstances. As per the allegations, she was persistently subjected to cruelty and harassment by the in-laws. It is further alleged that she was suffering from Dengue and her husband (petitioner) got her discharged from the hospital in a critical condition, as he wanted to get rid of her.

Learned senior counsel appearing for the petitioner submits that it is a case of false implication. The petitioner was taking due care of his wife, four times she was admitted in the hospital and even the father of the deceased visited them during treatment. He submits that as per post-mortem report the cause of death is still to be determined. The contention is that it is too early to even prima facie conclude that the death was due to the complications of Dengue or for some other reason. It is further argued that on 3.11.2021 at 8.45 AM, considering that condition of deceased was worsening, she was taken to the hospital but

she was declared brought dead.

Learned counsel for the State appearing on advance notice submits that there are specific allegations against the petitioner. There are allegations of harassment due to demand of dowry.

No poison was detected as per viscera report. The cause of death is yet to be determined. The issue as to whether an offence under Section 304 IPC is made out or not is a debatable issue. No recovery is to be made from the petitioner. Having conspectus of the facts, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 8.4.2022.”

Learned State Counsel, on instructions from ASI-Surjit Singh submits that the petitioner has joined the investigation, some of the articles in dispute have been recovered, the investigation is going on and the petitioner needs to join the investigation as and when required. He further submits that till date the cause of death has not been ascertained.

Learned senior counsel appearing on behalf of respondent No.2 vehemently opposes the prayer for grant of pre-arrest bail. He submits that the cause of death is yet to be determined. It is argued that there was previous history of harassment and beatings.

The cause of death is yet to be determined. From the documents on record and the pleadings, it would be neither safe nor desirable for this court to express an opinion on the cause of death. While

passing the interim order, it was noted that four times the deceased was admitted in the hospital and even the father of the deceased visited her during treatment.

As no custodial interrogation is needed, the interim bail granted on 17.3.2022 is made absolute subject to the condition that the petitioner will keep on joining the investigation as and when called for.

Needless to say that in case of any change in circumstances, the complainant or the State would be at liberty to avail remedies in accordance with law.

Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

8th April, 2022
mk

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No