

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11837-2022

Date of Decision: 08.07.2022

SATISH AND ANOTHER

... PETITIONERS

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

On 22.03..2022, the following order was passed:-

“Through instant petition, the petitioners are seeking anticipatory bail in case bearing FIR No.251 dated 22.09.2021 under Sections 304-B/ 328 and 34 IPC, registered at Police Station Chhainsa, District Faridabad.

Briefly, the case has been registered on the basis of the statement of Girraj Singh, the father of the deceased, alleging that the marriage of the deceased was solemnized with Rahul on 07.03.2018. Petitioners No. 1 and 2 are the father-in-law and mother-in-law of the deceased, respectively. The accused have been raising demand of dowry and maltreating the deceased. On 21.09.2021, the in-laws of the deceased made her to consume some poisonous substance by mixing it in her food which resulted in her death.

Learned counsel for the petitioners contend that the deceased had suffered termination of pregnancy on three/four occasions which resulted in pelvic inflammatory disease, which is an infection of the female reproductive organs. Although, in the FIR, there are allegations to the effect that some poisonous substance was administered to the deceased but as per the report of FSL, no common poison was detected in the viscera. The deceased was suffering from some serious health issues on account of complications post termination of her pregnancy on different occasions. As such, it becomes debatable as to whether the deceased was subjected to cruelty and harassment and the death was otherwise than under normal circumstances. Furthermore, the petitioners were granted interim bail by the Court of Sessions and they have also joined the investigation. However, the bail has been declined without considering the health issues being suffered by the deceased and ultimate cause of death.

Notice of motion.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 19.05.2022.

In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioners contend that Rahul, the husband of the deceased has been granted regular bail by the Court of Session on 07.06.2022 and in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from SI Mohinder Singh has stated that the petitioners have joined the investigation and their custodial interrogation is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 22.03.2022, vide which the petitioners have been granted interim bail, is made absolute.

Petition is allowed.

08.07.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No