

103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12275-2022

Date of Decision: March 24, 2022

Bablu Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.B.S.Mamli, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0634, dated 30.12.2019, (Annexure P-1), under Sections 304-B, 498-A, 34 IPC, registered at Police Station Sector 5, Gurugram, District Gurugram.

The present FIR was lodged by father of the deceased, namely, Om Parkash Singh, alleging that his daughter was married six years back with Bablu, i.e., the petitioner. Thereafter, her husband and in-laws started harassing her. On 26.12.2019, he received a phone call from her daughter that she apprehended danger to her life. He asked his son who was in Gurugram to call her. On his asking he called Bablu, i.e., the petitioner. However, he was informed that Bhawna had suffered heart attack and the phone call was disconnected. It is further alleged that they verified from the village of the Bablu and came to know that his daughter had died and her in laws' were preparing for her cremation in a hurry. He expressed his desire to see his daughter, however, the same was declined. They saw a mark of rope

on the neck and apprehended that Bablu, Ram Chander, Radha and Meera had killed his daughter. FIR was lodged to take action against the culprits. In pursuance to the same, the investigation commenced. However, out of the four accused, none could be arrested till date.

Apprehending the arrest, the petitioner approached the Court of Additional Sessions Judge, Gurugram, for grant of anticipatory bail, who declined the same vide its order dated 27.05.2021.

Learned counsel for the petitioner has contended that the petitioner though is the husband of the deceased, however, he has been falsely implicated in this case. He submits that no harassment, as alleged, had been caused to the deceased. He has primarily relied upon an affidavit given by the complainant, i.e. the author of the FIR, wherein he has deposed that he lodged the present FIR out of anger and that he does not want to take any action against Bablu, Ram Chander Singh, Meera and Radha.

After hearing the counsel for the petitioner and perusing the record, it is apparent that the deceased died an unnatural death within seven years of the marriage. There are allegations of harassment to the deceased. The affidavit relied upon by the petitioner is of no consequence at this stage. FIR is dated 30.12.2019 and till date, none of the accused has been arrested and the matter is pending investigation. It is a trite law that for the consideration of the anticipatory bail, the statutory provisions of Sections 438(1) Cr.P.C. are very clear which prescribes the factors like gravity of the offence, antecedents of the petitioners, probability of the petitioners fleeing from justice, chances of tampering with the evidence to be taken into consideration.

Keeping in view the statutory provisions and the law settled, I

find that the petitioner fails to qualify for the grant of anticipatory bail.
Resultantly, the present petition, being devoid of any merit, is hereby
dismissed.

March 24, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |