

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(104)

CRM-M-15928-2022

Date of Decision: 20.04.2022

Gorav

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.27 dated 27.2.2022 registered under section 306 IPC at Police Station, Dina Nagar, District Gurdaspur.

As per facts of the case, present FIR was lodged by the mother of the victim. The sum and substance of the allegations in the FIR is that husband of the complainant expired 11 years back. Her eldest daughter i.e. the victim (name concealed) was about 23 years of age and after completing her 10+2 she was doing the work of boutique at home. About six days back she found her daughter-victim crying. On asking, she told that Gorav son of Rashpal (Jeth of complainant) used to harass her a lot. She further told that about 3 months back he established physical relations with her. On 26.2.2022 when the complainant had gone to Dina Nagar along with her younger daughter she came back at 7.15 PM and found her daughter/victim lying on the cot. Sonu son of her Dewar Paramjit was standing besides her. On asking he told that victim had consumed poison. She was rushed to the doctor, however, she expired. It was alleged that she committed suicide by consuming medicine/poison as she was being harassed by Gorav son of

Rashpal.

After registration of FIR the investigation commenced. Apprehending his arrest petitioner approached learned Addl. Sessions Judge, Gurdaspur praying for grant of anticipatory bail, however, the same was declined vide order dated 21.3.2022. Aggrieved by the same petitioner has approached this Court praying for grant of anticipatory bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present FIR. He submits that from the allegations made in the FIR it is apparent that the alleged incident had taken place three months before the date of registration of FIR. He further submits that the petitioner is the first cousin of the deceased and as there is a family dispute going on, hence, he has been falsely implicated in the present FIR. Counsel submits that even from the reading of the FIR the essential ingredients for the commission of offence under Section 306 IPC read with Section 107 IPC are not made out and hence the petitioner deserves to be granted the benefit of bail.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

From the bare perusal of the record it is apparent that there are specific allegations levelled against the petitioner. As per the allegations the petitioner had been harassing the deceased since long. He allegedly developed physical relations with the deceased which fact was disclosed by her to the complainant. Finally she committed suicide by consuming poison. The matter is under investigation.

For grant of anticipatory bail the Court is to take into consideration the statutory parameters enumerated under Section 438(1)

Cr.P.C like the gravity of offence, the antecedents of the accused, his probability of fleeing away and that of tampering with the on going investigation. The Hon'ble Supreme Court in case of *Gurbaksh Singh Sibbia & Ors. V. State of Punjab, AIR 1980 SC 1632* has held that while considering the prayer for anticipatory bail the Court is to strike a balance between the individual liberty of the petitioner and that of the interest of the society, however, interest of the society would always prevail upon.

The case in hand is under investigation and keeping in view the gravity of offence, this Court finds that the present case does not qualify the parameters laid down by the Hon'ble Supreme Court in the above mentioned case.

The petition being devoid of any merit is, accordingly, dismissed.

(RAJESH BHARDWAJ)
JUDGE

20.04.2022

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