

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17538-2022

Date of Decision: 28.04.2022

Ankush Batra

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aminder Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J.(Oral)

The present petition been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.46 dated 05.03.2022, under Section 306 IPC, registered at Police Station City Sangrur, District Sangrur.

As per the allegations contained in the FIR which was made on the basis of statement made by one Khushboo d/o Ravinderpal that they are two sisters and the elder one is unmarried and is not well mentally. She got married on 02.05.2021 to one Ankush Batra who is the present petitioner. It was only about one month after the marriage that the petitioner and his parents started fighting with her on the ground that she brought less dowry and that she should bring at least Rs. 5 lacs from her parents. When her father had stated that he was not in a position to give the same, then from that day onwards they started fighting with her father and she started staying with her father at Sangrur. On 03.03.2022 at about 6.30 P.M when she and her father had gone to Kali Devi Mandir Patiala Gate, Sangrur, then her

husband Ankush Batra (Petitioner), his father Amarjeet Batra and two other persons namely, Mohit Kumar and Bhushan Kumar met them and told her father that they are in need of money for the purpose of sending the husband of the complainant who is the petitioner abroad. It has been specifically stated in the FIR as translated vide Annexure P-1 that the allegations were that “you arrange it from wherever and you die or live but I want money or else keep my son your son-in-law at your house”. It is further mentioned in the FIR the father of the complainant had already spent Rs. 12-13 lakhs on her marriage and there was a loan on his head and her father repeatedly told them that he was unable to pay the money and then they also told her father to keep his daughter with him only and in this way, they insulted her father. On the next day i.e. 04.03.2022 the father of the complainant told her on phone that he cannot tolerate the insult given by her in-laws and, therefore, he is ending his life by drinking poisonous medicine and thereafter, he was admitted to the Civil Hospital, Sangrur in an unconscious state and eventually he unfortunately died.

Mr. Aminder Singh, learned counsel for the petitioner has submitted that the petitioner who is the husband of the complainant cannot be held liable in view of the fact that there were oral allegations made by the complainant and in fact the petitioner was not in town at the time when the alleged occurrence took place. He further submitted that the other co-accused namely Mohit Kumar and Bhushan Kumar have been granted interim anticipatory bail by this Court in CRM-M-14193-2022 and CRM-M-15466-2022 which are pending and the petitioner may also be considered for the grant of anticipatory bail. He further submitted that the ingredients of Section 306 IPC are not satisfied.

On the other hand. Mr. Davinder Bir Singh, learned DAG, Punjab has submitted that he has received an advance copy of the present petition and he has gone through the same, He further submitted that he has sought instructions from the concerned official. He further submitted that the petitioner cannot be termed at parity with the other co-accused namely, Mohit Kumar and Bhushan Kumar because those two persons were allegedly accompanying the father of the petitioner and they were only relatives and they were not immediate in-laws nor they had any role to play and it was because of this reason that this Court had granted interim bail to them but so far as the present petitioner is concerned, he is the husband of the complainant and direct attribution has been levelled against him as per the aforesaid FIR. He further submitted that it is not a case that on the face of it the ingredients of Section 306 are not satisfied. However, a perusal of the FIR itself shows that the petitioner and his father had told the deceased that either he should live or die but he should pay the money. Such kind of act itself is an abetment to commit suicide corroborated with the further fact that this fact was specifically told by the deceased to the complainant. He has, therefore, opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

So far as the argument raised by the learned counsel for the petitioner that the petitioner is at parity with the other co-accused, the same deserves to be rejected. The petitioner is husband of the complainant and the father of the complainant had died due to the alleged demand of dowry and insult to him as stated in the FIR in specific terms. So far as the other two co-accused have been granted interim anticipatory bail by this Court is concerned, as per the learned counsel for the parties they were only relatives

and they were not immediate in-laws and, therefore, it cannot be said that the petitioner is at parity with those two co-accused. So far as the role of the present petitioner is concerned, as per the FIR it cannot be said that on the face of it the ingredients of Section 306 IPC are not made out. The demand of dowry has also been alleged.

Therefore, considering the gravity of the present case, this Court is of the considered opinion that it is not a fit case to grant anticipatory bail to the petitioner.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.04.2022*rakesh***(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No