

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-24361 of 2021
Date of decision:28.02.2022

Dr. Ajay Kumar Harit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. A.D.S.Sukhija, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Dr. Deipa Singh, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.197 dated 22.05.2016 registered under Sections 304-B, 34 of Indian Penal Code, 1860 at Police Station Susant Lok, District Gurgaon. (Annexure P-1).

FIR (Annexure P-1) has been registered on the complaint of mother of Neha (deceased) on the allegation that her daughter, who was preparing for M.D. examination has committed suicide as she was traumatised by the cruelty of her husband, Dr. Ajay (present petitioner), her

father-in-law, Satish Kumar, mother-in-law, Santosh and sister-in-law, Archana @ Archu.

Counsel for the petitioner urges that although it has been alleged that the petitioner and his parents were dissatisfied with the marriage arrangements, but there is neither any accusation of demand or harassment on account of non-fulfillment of the demand of dowry and therefore, Section 304-B, IPC, is not attracted. He argues that even as per the suicide note (Annexure P-9), the deceased has not pointed any finger at the petitioner. He submits that after investigation into allegations levelled in the FIR, a cancellation report was submitted, but as the petitioner remarried in the meanwhile, a protest petition was filed by the complainant on which the Court ordered further investigation. He submits that the petitioner, who is a doctor, working with a private medical institute at Jodhpur and is taking care of 08 years old daughter from the deceased, has joined the investigation and is no longer required for the custodial interrogation. It is his argument that the deceased was under mental strain as she was residing separately from her family and preparing for MD examination.

Upon instructions from ASI Pawan and on basis of status report filed by way of an affidavit of Assistant Commissioner of Police, Traffic Headquarter, Gurugram, State counsel has affirmed the fact that the petitioner has joined the investigation, is no longer required for the custodial interrogation and that he is not involved in any other criminal case.

Counsel for the complainant submits that the deceased has unfortunately died under unnatural circumstances within 07 years of marriage and the presumption under Section 304-B, IPC is against the petitioner.

Heard counsel for the parties.

While granting interim bail to the petitioner, this Court passed the following order on 30.06.2021:-

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia contending that the petitioner has been falsely implicated in the present case. It is contended that though the deceased committed suicide, she had left a Will which was in favour of her mother regarding property that had been transferred to her. It is also submitted that the petitioner under no circumstances is beneficiary of the property that had been given to the deceased by her mother. It is further submitted that the suicide note that has been left does not implicate the petitioner herein. It is also contended that the FIR is of the year 2016 and the matter has already been investigated thoroughly, consequent to which a cancellation report was prepared and presented, however, on a protest petition filed, the matter has been re-opened. It is also argued that the custodial interrogation of the petitioner would not be required as investigation stands completed in the said case.

Notice of motion.

On asking of the Court, Ms. Deepshikha Chauhan, AAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent State. She on instructions from SI Jaswant Singh submits that the FSL report affirms matching of the handwriting on the suicide note with the handwriting of the deceased.

Mr. Vinod S. Bhardwaj, Senior Advocate with Mr. Jagdeep Singh Rana, Advocate has put in appearance on behalf of the complainant and opposed the grant of any relief to the petitioner while contending that the petitioner had been instrumental in the death of his wife, who is survived by a minor daughter. It is argued that the greed of the petitioner did not end even when the complainant transferred the flat situated at Gurugram in the name of her daughter.

I have heard learned counsel for the parties and while taking into account the fact that the police had already investigated the matter thoroughly and even had prepared a cancellation report, which was duly submitted, I deem it a fit case for directing the petitioner to join investigation.

Adjourned to 22.11.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week. In the event of arrest, the petitioner will be released on interim bail to the

satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Keeping in view the above facts and circumstances as also the statement of State counsel, the present petition is allowed and the order dated 30.06.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

February 28, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No