

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30387-2022

Date of decision : 18.07.2022

Ramesh Devi

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manish Soni, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.232 dated 19.05.2022, under Section 304-B, 34 of Indian Penal Code, Section 498-A (added later on), registered at Police Station City Palam Vihar, District Gurugram.

As per the facts of the case, the complaint was lodged before the police by the complainant Kuldeep Yadav, who is brother of the deceased, Ritu Yadav. The sum and substance of the allegations made in the FIR that the marriage of the sister of the complainant was performed with Chetan Yadav on 18.02.2022. They gave sufficient dowry in the marriage as per their capacity. However, after the marriage, the in-laws of his sister were not satisfied with the dowry given and thus, they used to harass his sister for the same. His sister disclosed this number of times about the harassment caused to her by her in-laws. On 05.05.2022, his sister came from the matrimonial home and told about the harassment on account of dowry endured by her. However, thereafter he found his sister hanging from the ceiling fan on opening the door. He along with his family members rushed Ritu to Manipal Hospital where doctor declared

her dead. The complaint was made to take the legal action against the culprits. On the basis of the same, FIR was lodged and the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for grant of pre-arrest bail. However, after hearing counsel for the parties, the same was declined vide order dated 06.07.2022. Aggrieved by the same, the petitioner is before this Court for grant of anticipatory bail.

Learned counsel for the petitioner has contended that the petitioner is mother-in-law of the deceased and she has been falsely implicated in this case. He submits that the deceased remained in the matrimonial home hardly for 5-6 days and she committed suicide in her parental home. He submits that there are no specific allegations regarding causing harassment to the deceased on account of dowry and hence, no offence under Section 304-B IPC is attracted against the petitioner. He submits that the husband and father-in-law of the deceased have already been arrested. Hence, no useful purpose would be served by arresting the petitioner and hence, she be granted anticipatory bail.

Heard.

After hearing counsel for the petitioner and perusing the record, it is apparent that the marriage of the deceased took place with the son of the petitioner on 18.02.2022 and thereafter, she committed suicide on 19.05.2022. The deceased died unnatural death within three months of the marriage. The investigating agencies have recovered a suicide note written by the deceased wherein the allegations regarding causing harassment to the deceased by the petitioner and other family members are also alleged. Apparently, the deceased died an unnatural death within

7 years of marriage allegedly on account of the harassment caused to her for demand of dowry. The presumption under Section 113(B) of the Evidence Act is also attracted in the facts and circumstances of the case. The investigation of the case is at threshold. The petitioner is facing the allegations for committing the heinous offence. The Court cannot ignore the fact that a young bride died an unnatural death within three months of her marriage. The Court is to strike the balance between the liberty of the individuals and the overall interest of the society. The case needs a thorough and fair investigation to unravel the truth in the allegations levelled.

For the consideration of anticipatory bail, the statutory parameters are given under Section 438(1) Cr.P.C. which reads as under:-

“Direction for grant of bail to person apprehending arrest:-

(1) Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter alia, the following factors, namely:-

(i) the nature and gravity of the accusation;

(ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested,

Either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

Hon'ble the Supreme Court in State (rep by CBI) Vs. Anil

Sharma, (1997) 7 SCC 187 held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

Keeping in view the overall facts and circumstances, this Court is of the opinion that the petitioner deserves no leniency for the grant of anticipatory bail in view of the statutory provisions and the law settled. Thus, the petition being devoid of any merits is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.07.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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