

**In the High Court for the States of Punjab and Haryana**  
**at Chandigarh**

**CRM-M-34144-2022**

**Date of Decision:** *November 15, 2022*

Shamim

*... Petitioner*

*Versus*

State of Haryana

*... Respondent*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Jamshed Ahmed, Advocate,  
for the petitioner.

Mr. Zorawar Singh Chauhan, , DAG, Haryana.

Mr. Mazlish Khan, Advocate,  
for the complainant.

**Vivek Puri, J.**

The petitioner is seeking anticipatory bail in the case bearing FIR No. 160, dated 03.05.2022, under Sections 304-B, 323, 34 of the Indian Penal Code, registered at Police Station Ferozepur Jhirka, District Nuh.

Briefly, the allegations against the petitioner and the co-accused are to the effect that the marriage of the deceased Nasreen and her sister Sunhera was solemnized in the year 2018 with Wakil and Nafish, respectively, as per Muslim customs and traditions. Sufficient dowry articles were given at the time of marriage. The accused had been raising demand of Bolero vehicle and giving beatings to both the sisters of the complainant for not bringing sufficient

dowry. Nasreen had given birth to a male child and a female child. The younger sister of the complainant, namely, Sunhera had given birth to a male child. On 20.04.2022, all the accused had given merciless beatings to both the sisters and they had already solemnized the marriage of Nafish with another girl, namely Nusrat. The accused had also stated that the second marriage of Wakil will also be solemnized and Nasreen will not be allowed to reside in their house. The respectable persons tried to intervene, but the accused had been raising demand of Bolero vehicle. On 27.04.2022, the accused had given merciless beatings to both the sisters and confined them in a room. The petitioner along with Wakil and Nafish caught hold Nasreen and the co-accused, namely, Shama and Nusrat gave beatings and she was compelled to drink the water containing some poisonous substance. She was shifted to hospital where she died on 02.05.2022.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that the petitioner is the elder brother of husband of the deceased and residing separate from the other family members. He has sought to rely upon a certificate issued by the Sarpanch of Gram Panchayat in this regard. It has been

further argued that there is a delay of 6 days in lodging the FIR.

On the contrary, the learned State counsel and the learned counsel for the complainant have opposed the bail application and argued that there is a lack of reliable material to indicate that the petitioner is residing separate from the other family members. The FIR has been lodged on the following day of death. The viscera has been sent for chemical examination, but the report has not been received. The petitioner has been specifically named and had actively participated in inflicting the injury and administering poisonous substance to the deceased.

The marriage of the deceased and his sister was solemnized with two brothers of the petitioner in the year 2018. There are specific and categoric allegations to the effect that the petitioner along with co-accused had given beatings to both the sisters and some poisonous substance was administered to Nasreen which resulted in her death. There is lack of sufficient and reliable material to indicate that the petitioner had been residing separate from the family of other two brothers. The certificate issued by Sarpanch may not be sufficient to indicate that the petitioner is residing separately and having no concern with the family of his brothers. Moreover, specific role has been assigned to him in the occurrence. The statement of

Sunhera, the sister of the deceased, who is married to the younger brother of the petitioner, has also been recorded wherein she has imputed allegations against the petitioner. Even the relatives of the deceased have made the statement with regard to harassing the deceased on account of demand of dowry and administration of poisonous substance. The deceased was having two young children. The death has occurred otherwise than under normal circumstances within a period of 7 years from the date of marriage. There are specific and categoric allegations with regard to the demand of dowry including a Bolero vehicle. The matter requires thorough probe and investigation and no exceptional circumstances are made out to extend the concession of anticipatory bail to the petitioner.

Present petition is dismissed, accordingly.

**November 15, 2022**

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**(Vivek Puri)**  
**Judge**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |