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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-77-2023

Date of Decision:- 15.02.2023

SACHIN BHAGAT @ SAJAN

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Vivek Salathia, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sachin Bhagat @ Sajan has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 244 dated 03.10.2022 under Sections 304-B, 120-B of the IPC registered at Police Station Gate Hakima Amritsar, District Amritsar.

The facts of the case are that the complainant - Rajni gave her statement to the police that marriage of her daughter i.e. the victim, aged about 22 years was performed with Sammi Kumar about three years ago. She was blessed with a son, aged about one year. At the time of marriage, the family of Sammi Kumar was told that they were poor persons and they can only perform decent marriage. Soon after marriage, her daughter was harassed and maltreated in the matrimonial home that she did not bring dowry. The victim was sent back in the matrimonial home by making her

her husband and members of in-laws family. The matter was compromised. On 30.09.2022 at about 04:00 P.M. she received call from Sammi that her daughter i.e. the victim was not well. She immediately went to Bajwa Hospital where her daughter was admitted in ICU. She was not permitted to meet her and she returned back home in the evening. In this way, she was visiting her daughter time and again to know about the health condition. On 03.10.2022 at about 09:00 p.m. her son Suraj and sister-in-law Aman went to the hospital to deliver food and she came to know that her daughter has expired. The complainant categorically stated that her daughter has been killed by her son-in-law Sammi, father-in-law Sham Lal, mother-in-law Geeta Rani, sister-in-law Mona, Sania and brother-in-law (*devar*) Sajan. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that there are no allegations against the present petitioner for any kind of maltreatment to the victim. The name of present petitioner has been merely mentioned in the end of the statement of complainant. The FIR has been registered on false and frivolous allegations. Every effort was made by the family of petitioner to save the life of victim. Firstly, she was taken to Mahajan Hospital and then to Bajwa Hospital but her life could not be saved. The anticipatory bail application of the present petitioner has been wrongly declined. On the other hand, learned counsel for the petitioner referred to the bail applications of Sania, Sham Lal and Monika who have been granted interim relief. The copies of their orders are Annexures P-3 to P-5. It is argued that petitioner is ready to join the investigation. Therefore, his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing

the State as well as learned counsel for the complainant. It is argued that the deceased victim was being harassed by the entire in-laws family members during her stay in the matrimonial home. It is a case of unnatural death. The victim was initially admitted in Mahajan Hospital where she got discharged against medical advice. Thereafter, she was admitted in Bajwa Hospital. It is argued that the deceased victim was maltreated on account of their demand of dowry which ultimately resulted into her unnatural death. Therefore, the petitioner is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. The FIR is registered on the statement of Rajni, mother of the deceased victim. In the said statement, the present petitioner is specifically named. I have also gone through the statements of the witnesses recorded under Section 161 Cr.P.C. namely Shubhjit Singh, Suraj, Sonia and Vijay Kumar. In their respective statements recorded under Section 161 Cr.P.C. they have specifically named the present petitioner. There is one copy of complaint of the deceased victim to SHO, Police Station Gate Hakima, Amritsar, which was ultimately compromised. The said complaint was filed on 26.04.2022 and the present occurrence took place on 30.09.2022. The present petitioner is yet to join the investigation. Considering the facts of the case and unnatural death of the deceased victim, I do not find a fit case for grant of anticipatory bail to the petitioner – Sachin Bhagat @ Sajan and the same is, accordingly, declined.

15.02.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No