

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(104)

(2023:PHHC:041610)
CRM-M-14051-2023
Date of Decision: 20.03.2023
--Petitioner

Parvesh Kumar

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Rana Gurtej Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

This is the second petition filed by the petitioner under Section 438 Cr.P.C seeking the benefit of anticipatory bail in case FIR No.65 dated 22.4.2022 under sections 304-B, 120-B I.P.C, registered at Police Station, Kartarpur, District Jalandhar.

On the earlier occasion petitioner had approached this court by way of filing CRM-M-37731-2022 praying for the similar relief, however, the same was withdrawn after arguing the matter.

As per factual matrix, the FIR in question was registered on the statement of one Prince Arora, wherein it was stated that his younger sister Priya was married to Parvesh Kumar i.e. the present petitioner on 21.6.2018. Sufficient dowry was given in the marriage, however, after the marriage husband as well as in-laws of her sister were not satisfied with the dowry and thus they started harassing his sister for the demand of dowry. She was time and again given tauntings and persistently humiliated by her husband and in-laws. Despite their best efforts they failed to convince the in-laws of his sister. Complainant further alleged that his sister talked to them for the

last time on 9.4.2022 and thereafter they did not receive any phone call from her. On 11.4.2022 at about 6.30 PM some unknown neighbor of the in-laws of his sister talked to them and informed that his sister Priya had fallen and her condition was critical. On hearing the same they reached in the hospital where his sister was admitted and found her condition critical. His sister succumbed to the injuries on 14.4.2022 and doctors declared her dead. A request was made to take legal action against the culprits.

Apprehending the arrest, petitioner approached the court of learned Addl. Sessions Judge, Jalandhar for grant of bail, however, after hearing the parties, the same was declined vide order dated 27.7.2022. Aggrieved by the same petitioner approached this court for grant of bail by way of filing CRM-M-37731-2022 and the same was allowed to be withdrawn vide order dated 31.5.2022. Petitioner again approached the court of learned Addl. Sessions Judge, Jalandhar praying for grant of bail, however, the same was withdrawn with liberty to approach this court.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in this case. It is submitted that the allegations made are false and frivolous as petitioner has no criminal antecedents. Counsel submits that no case for custodial interrogation of the petitioner is made out and he is ready to join investigation.

On the other hand, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that there are specific allegations against the petitioner and if he is granted bail at this stage, the same may scuttle the ongoing investigation.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner was married with deceased Priya on 21.6.2018. There are specific allegations regarding harassment and cruelty caused to the deceased by her husband and her in-laws for the demand of dowry. The deceased complained about the miseries being faced by her at the hands of her in-laws and her parents tried to resolve the dispute but to no avail. Finally she died an unnatural death on 14.4.2022. After the post mortem the cause of death was ascertained to be neurogenic shock. Thus, the deceased died an unnatural death within 7 years of her marriage on account of demand of dowry by the petitioner and his family members. The presumption under Section 113-B of the Evidence Act is prima facie attracted in this case.

Hon'ble the Supreme Court in ***G.R. Ananda Babu Vs. State of Tamil Nadu, 2021(1) RCR (Criminal) 843*** has held that successive anticipatory bail applications ought not to be entertained on specious ground of 'Changed Circumstances'.

The Hon'ble Apex Court in plethora of judicial precedents has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which can be exercised in the extraordinary circumstances. Weighing the facts and circumstances of the case on the anvil of law settled, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour.

Resultantly, the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

20.03.2023

lucky

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