

CRM-M-11527-2023 (O&M)

1

207

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11527-2023 (O&M)
Date of decision : 21.09.2023

Anil ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

Mr. HPS Ghuman, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.145 dated 08.08.2022 under Sections 498-A, 304-B, 201 of the Indian Penal Code, 1860 registered at Police Station Satnali, District Mohindergarh, Haryana.
2. The brief facts relevant to the present case are that on 08.08.2022 the complainant came to the police station and handed over an application wherein the allegations made were that he performed the

marriage of his daughter in 2018 with the petitioner herein. He sent his daughter to her matrimonial home after giving dowry as per his capacity. Thereafter, the petitioner got a job and since then he was ill-treating his daughter. The wife of the complainant tried to counsel them several times but taunts were given to his daughter that she was not fit for their family and she had not brought anything in marriage. Their daughter apprised them of the harassment and torture meted out to her in her matrimonial home. On 20.05.2022 his daughter told them that her in-laws were harassing her. His wife talked to the mother-in-law of the daughter and his wife agreed to fulfill their demand of money. On 21.05.2022 the father-in-law of the daughter telephoned the complainant and asked him to take his daughter from his house and disconnected the call. His wife tried to reason with the mother-in-law of the daughter but in vain. The complainant was told to send his son - Deepak - in the evening to fetch the daughter between 05.00 to 05.30 p.m. They were also informed about the hospitalization of their daughter due to low blood pressure. It was further the allegation that on 22.05.2022 the complainant along with his mother and brother went to the said hospital and gave Rs.20,000/- to the petitioner but his family did not allow them to meet their daughter by saying that she was serious. On 25.05.2022 the daughter was got admitted in Hisar Neuro Hospital. On 27.05.2022 the parental uncle of the petitioner asked him to come after taking leave so he returned home in the night of 28.05.2022, however, on 29.05.2022 in the morning he was told that his daughter had died. It was further alleged that during the period of hospitalization from 21.05.2022 to 29.05.2022, no female member was

present with the daughter of the complainant in the hospital. It was further alleged that his daughter did not commit suicide and she was forcibly eliminated. On the basis of the said allegations, the present FIR was lodged.

3. Learned counsel for the petitioner would contend that the deceased was taken to Dev Heart and General Hospital, Mahendergarh on 21.05.2022 where she was intubated and put on a ventilator. However, from there she was taken on 25.05.2022 to V.K. Neurocare & Trauma Research Hospital, Hisar with the consent of the parents of the deceased. Learned counsel has further contended that though the daughter of the complainant died on 28.05.2022, however, it is only on 08.08.2022 that a complaint was presented by the complainant. Learned counsel would further contend that initially the allegations were made against a number of family members who were found innocent. Learned counsel has further referred to the order passed under Section 319 CrPC for summoning of those who were found to be innocent. Learned counsel would further contend that the present is a clear case of suicide and that there was never any allegation of demand of dowry prior to the said incident.

4. Learned counsel for the State on instructions from ASI Mukesh Kumari has stated that initially the deceased was taken to Dev Heart and General Hospital on 21.05.2022 and as per the record of the said hospital the petitioner had got the deceased admitted to Dev Heart and General Hospital and it was stated that the deceased was travelling on a motorcycle and her *chunni* got stuck in the motorcycle thereby choking her. The slip of the said hospital where the history is recorded is also signed by the petitioner and the

jewelry of the daughter of the complainant was also received by the petitioner. The deceased was treated at Dev Heart and General Hospital, where she was intubated and put on a ventilator. Subsequently, the family of the deceased left the said hospital against medical advice and got the deceased admitted to V.K. Neurocare & Trauma Research Hospital, Hisar on 25.05.2022. Learned State counsel has further pointed out that here the story completely changed and the history given was that the deceased had hung herself at 05.00 pm at her home on 21.05.2022. Learned State counsel has further pointed out that though it was a case of hanging as per the record of the hospital, no information was sent to the police at any point of time. Learned counsel has further contended that the daughter of the complainant succumbed to her injuries on 28.05.2022. It has further been stated by the learned State counsel that as per the allegations in the FIR, the father of the deceased i.e. complainant herein was informed that his daughter was suffering from low blood pressure and had been hospitalized.

5. I have heard learned counsel for the parties.

6. In the present case the deceased initially was taken to one Dev Heart and General Hospital on 21.05.2022 and as per the record of the hospital the history as given by the attending person was that the deceased was travelling on a motor cycle and her *chunni* got stuck in the motorcycle causing strangulation. The deceased was treated at the said hospital where she was intubated and put on a ventilator. Subsequently, the family of the deceased left the said hospital against medical advice (LAMA) and admitted the deceased to V.K. Neurocare & Trauma Research Hospital, Hisar on

25.05.2022. The history as given at the said hospital is that the deceased had hung herself on 21.05.2022 at about 05.00 pm and she was taken to Dev Heart and General Hospital from where she was got to V.K. Neurocare & Trauma Research Hospital, Hisar. The daughter of the complainant expired on 28.05.2022. The complainant, as per the allegations in the FIR, was initially informed that his daughter was unwell due to low blood pressure and when the complainant along with his mother and brother went to visit the said hospital, he was not allowed to meet his daughter. Subsequently, he was informed on 29.05.2022 that his daughter had expired.

7. Three different versions have come forth regarding the manner in which the daughter of the complainant is said to have died. The first version which was given at Dev Heart and General Hospital is that the daughter of the complainant was travelling on a motorcycle and choked as a result of her *chunni* getting stuck in the motorcycle. Thereafter, when she was shifted to V.K. Neurocare & Trauma Research Hospital, Hisar, a totally different story was put forward that she had hung herself on 21.05.2022 at about 05.00 pm. The third version comes forth in the FIR wherein the complainant has stated that he was informed that his daughter had low blood pressure and had been admitted in hospital. It has also come on the record that the *chunni* which is stated to have been used in the alleged crime was found to have been burnt as per the disclosure statement of the petitioner and hence Section 201 IPC was also added.

8. Keeping in view the gravity of the offence and the nature of allegations, this Court does not find this to be a fit case for grant of regular

bail to the petitioner. Accordingly, the present petition is dismissed.
Pending applications, if any, also stand disposed off.

9. It is also made clear that any observation made herein shall not
be treated as an expression of opinion on the merits of the case.

21.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO