

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**207****CRM-M No.32450 of 2022****Reserved on : 06.10.2023****Date of Decision : 16.10.2023**

Gourav Garg

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Madaan, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

Mr. P.S. Ahluwalia, Advocate for the complainant.

ALKA SARIN, J.

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.31 dated 27.02.2022 under Section 306 of the Indian Penal Code, 1860 (Sections 304-B and 34 IPC were added later on and the challan was presented under Section 304-B IPC) registered at Police Station Division No.2, District Pathankot.

2. The brief facts relevant to the present case are that FIR No.31 dated 27.02.2022 was lodged on the statement made by the complainant namely, Sunil Kanotra, at Police Station Division No.2, District Pathankot wherein he stated that the marriage of his daughter namely, Shyna (deceased) was solemnized with the petitioner on 07.02.2022 as per Hindu rites. After the wedding, the daughter of the complainant is alleged to have made several telephonic calls and visited the complainant and told him that

she was being taunted by the present petitioner and her mother-in-law. It was further alleged that the complainant's daughter told him that she placed an order from Delhi for a special kind of dining table and chairs and had paid the money for the same in advance. Apart from that she also asked for a small car for travelling for which the complainant agreed but later the complainant's daughter told him that the petitioner herein and her mother-in-law were demanding a big car. It was further the allegation that the complainant's daughter was not happy with the marriage as was evident from her face and her behaviour. On 25.02.2022 the complainant along with his family members i.e. wife, son, daughter and son-in-law i.e. present petitioner went to visit a religious place. On the way the complainant's daughter raised certain allegations against the petitioner that he used to fight with her and her father-in-law, who used to treat her well. The present petitioner is stated to have scolded the complainant's daughter in their presence. On 27.02.2022 at about 11.55 am the petitioner called from his mobile No.9888000933 and informed the complainant that he and the daughter of the complainant had a fight at night and that the complainant should take his daughter home. Thereafter, at about 12.18 pm, the complainant called the present petitioner but he did not answer the call. Then at 12.20 pm the complainant talked to the father of the petitioner and told him that he would take his daughter to his house in 5-7 days. At about 12.23 pm the complainant called his daughter, who did not answer the call as a result of which the complainant got worried. At 01.09 pm the complainant received a call from the present petitioner that his daughter had hung herself. The complainant along with his son reached the house of the petitioner

where the dead body of his daughter was lying on the bed. There was a pink *chunni* hanging from a steel rod meant for fitting a mirror in the bathroom attached to the daughter's bedroom. The petitioner informed the complainant that his daughter had hung herself with a *chunni*. The present FIR was lodged alleging that the petitioner herein was responsible for the death of his daughter. On 01.03.2022 a supplementary statement was made by the complainant wherein allegations of harassment and demand of dowry were also made against the in-laws of the complainant's daughter. It was also stated that the petitioner herein along with his parents had killed his daughter for dowry. On the basis of the supplementary statement, both the in-laws were nominated as accused and offences under Sections 304-B and 34 IPC were added in the instant case. On 04.03.2022 an application was moved before the Senior Superintendent of Police, Pathankot by Sanjeev Kumar Garg, brother of Vinod Garg, for a fair enquiry. Pursuant to the marking of the enquiry, Assistant Superintendent of Police, City Pathankot, Sh. Shubham Aggarwal, IPS, submitted his report on 07.04.2022. The parents-in-law of the deceased were declared innocent and the final report under Section 173 CrPC for offence punishable under Section 304-B IPC was presented against the present petitioner and charges were also framed. It is apt to note that the marriage of the petitioner and the daughter of the complainant was solemnized on 07.02.2022 and the daughter of the complainant died on 27.02.2022 i.e. within 20 days of the marriage.

3. Learned counsel for the petitioner would contend that initially the FIR was registered under Section 306 IPC. However, on the basis of supplementary statement, where improvement was made and allegations of

demand of dowry were made, the parents of the petitioner were arrayed as additional accused and Section 304-B IPC was added. Subsequently, on a representation given to the Senior Superintendent of Police, Pathankot, an enquiry was marked to Assistant Superintendent of Police, City Pathankot who found the allegations against the parents of the petitioner false. Learned counsel for the petitioner would further contend that the marriage itself was simple and only customary gifts were exchanged. It is further the contention that the petitioner's family is well off and has a Transformer Manufacturing Unit and owns 04 cars and hence there was no question of demanding dowry. Learned counsel for the petitioner has further contended that as per the post-mortem report it was a clear case of hanging.

4. *Per contra* learned counsel for the complainant has contended that the death in the present case took place within 20 days of marriage. The deceased was a well-educated girl who was running her own IELTS Institute and hence there was no reason for her to have committed suicide. Learned counsel for the complainant has relied upon judgment of Hon'ble Supreme Court in the case of **Sonu vs. Sonu Yadav & Anr. [AIR 2021 SC 1950]** to contend that this is not a fit case for grant of regular bail.

5. I have heard learned counsel for the parties.

6. In the present case the allegations in the FIR are that the deceased had hung herself from a rod used to hang a mirror in the bathroom. Neither learned counsel for the petitioner nor learned counsel for the complainant was able to explain as to where and at what height the said rod was placed in the bathroom. In order to understand the same, learned State counsel was asked to show the Police file and the photographs, if any, of the

crime scene. Learned State counsel has pointed out that there were photographs taken which form part of the challan and were shown to the Court during the course of hearing. The photographs, which were shown to the Court, reveal that the rod, which was used for the alleged hanging, is not exactly a rod to hang a mirror but is a rod used for hanging a shower curtain or to support a partition glass pane. Even the vernacular of the FIR states that the rod had been fitted for installing the glass. The reflections seen in the photographs give the impression that there is a glass partition and the rod is adjacent to the said glass partition. The 02 photographs of the face of the deceased also appear to show bruises under the eye of the deceased, on the chin as well as on cheek, though the same do not find mentioned in the post-mortem report. The death has occurred within 20 days of marriage. The allegations in the present case are very serious in nature.

7. Keeping in view all the above, this Court does not find this to be a fit case for grant of regular bail. The present petition is accordingly dismissed. Pending applications, if any, also stand disposed off. Any observations made herein shall not be treated as an expression of opinion on the merits of the case.

16.10.2023
jk

(ALKA SARIN)
JUDGE

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