

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 35537 of 2023
Date of Decision: 11.09.2023

Kamla
...Petitioner

Versus

State of Haryana and another
...Respondents

2. CRM-M No. 36463 of 2023

Thakur Dass
...Petitioner

Versus

State of Haryana and another
...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Balraj Gujjar, Advocate
for the petitioners.

Mr. Amrik Singh Narwal, DAG, Haryana
for respondent No.1-State.

Mr. Sumit Sharma, Advocate
for respondent No.2

MEENAKSHI I. MEHTA, J.

Both the above-captioned petitions are being taken up together
for discussion and adjudication as the petitioners therein have sought the
relief of anticipatory/pre-arrest bail in the criminal case arisen out of the

same FIR bearing No.481 dated 26.08.2022 registered at Police Station City Bhiwani, District Bhiwani, under Sections 304-B & 498-A read with Section 34 IPC.

2. Shorn and short of unnecessary details, the allegations, as levelled by complainant-respondent No.2 in the subject FIR, are that the petitioners, who happen to be the parents-in-law of his daughter Sonam (since deceased and here-in-after to be referred as 'the victim'), along-with their co-accused, had been subjecting the victim to cruelty as they were not satisfied with the dowry given in her marriage and had been pressurising her to bring more dowry and the victim had moved an application to SP, Bhiwani in this regard but the afore-said accused had apologised for their behaviour and hence, the matter was settled. However, even thereafter, they did not mend their ways and continued to harass and maltreat the victim and did not even allow her to visit or talk to them (parental family). On the fateful day, he received a telephonic message from his sister-in-law qua the death of the victim and he suspected that all the above-referred accused persons had killed his daughter for not bringing sufficient dowry.

3. Learned State counsel has submitted the Status-Report on behalf of respondent No.1-State (by way of the affidavit of the Deputy Superintendent of Police, Head Quarter, Bhiwani), in **CRM-M No.35537 of 2023**, in the Court today and the same is taken on the record. He submits that this Status-Report be read as such for the connected petition having **CRM-M No.36463 of 2023**. It is worth-while to mention here that in para No.4 in the said Status-Report, it has been deposed that during the course

of the investigation and verification of the facts, only accused Sunil was found to be involved in the crime whereas the petitioners and their other co-accused were reported to be innocent and their names have been kept in column No.12 in the Final Police Report, i.e Challan. In para No.6 therein, it has been further deposed that after the examination of the complainant as the prosecution witness by the trial Court, an application was moved by the prosecuting agency under Section 319 CrPC with the prayer to summon the petitioners as additional accused in the case and it was allowed qua them.

4. Power of Attorney submitted by Mr. Sumit Sharma, Advocate, who has appeared on behalf of respondent No.2-complainant in the present petitions, has been placed on the file of **CRM-M No.35537 of 2023**.

5. I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for respondent No.2-complainant in both the instant petitions and have also perused the files carefully.

6. Learned counsel for the petitioners contends that vide the order passed on the afore-mentioned application as moved under Section 319 Cr.P.C, the petitioners have been summoned by the trial Court to face the trial whereas during the investigation of the case, they were found to be innocent and moreover, the victim, along-with her husband, was residing separately from them (petitioners) and these facts make it explicit that the petitioners had no role to play in the alleged crime and to add to it, as is evident from the copies of the medical-record of petitioner-Kamla, she is suffering from various ailments and in these circumstances, the petitioners deserve the relief, as prayed for in their respective petitions.

7. Per contra, learned counsel for respondent No.2-complainant has submitted the copies of the testimony of PW-1, i.e the complainant, recorded by the trial Court and of the application, as moved by the victim herself earlier to Superintendent of Police, Bhiwani, against the petitioners and their co-accused and he argues that these documents clearly show that while appearing in the witness-box as PW-1, the complainant has reiterated the allegations as levelled by him against the petitioners in the FIR and that the victim was constrained to move an application to the police authorities against the petitioners and their co-accused and thus, it is quite explicit that the petitioners had been harassing and maltreating the victim for bringing insufficient dowry and for demanding more dowry and keeping in view the nature of the offence as committed by them in this case, both the present petitions be dismissed.

8. Mere factum of the petitioners having been declared innocent during the course of the investigation, in itself, does not suffice at all, at this stage, to falsify the allegations as levelled by the complainant against them in the FIR and also in his testimony (as PW-1) as recorded by the trial Court. Further, even if for the sake of arguments, it is presumed that the victim had been residing separately from the petitioners, even then the fact remains that the alleged occurrence had, reportedly, taken place in their (petitioners') house. So far as the contention regarding the health condition of petitioner-Kamla is concerned, there is nothing in her medical-record to suggest that she is totally confined to bed and even otherwise, this record also does not mitigate the gravity of the allegations levelled against her.

10. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the crime as alleged to have been committed by the petitioners, this Court is of the considered opinion that they (petitioners) do not deserve the concession of anticipatory/pre-arrest bail. Resultantly, both the petitions in hand, being *sans* any merit, stand dismissed.

11. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the criminal case under reference, pending before the trial Court.

September 11, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>