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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

CRM-M-36359-2023 (O&M)

Reserved on : 21.08.2023

Date of Decision : 25.08.2023

Krishna

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saurabh Dalal, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

Mr. Rohit Choudhary, Advocate for the complainant.

ALKA SARIN, J.

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.16 dated 18.01.2023 registered under Sections 406, 304-B, 498-A, 34 IPC at Police Station NIT, Faridabad.

2. The brief facts relevant to the present case are that on 18.01.2023 a Ruqa was received from Asian Hospital, Faridabad at Police Station NIT Faridabad. The police officials reached the spot and at the hospital the complainant, Arun, who is brother of the deceased, gave an application alleging therein that his two sisters Preeti and Indu were married with two brothers, namely, Ankur and Ankit on 05.02.2017. It is further alleged that his sister Preeti was continuously harassed by her husband and his family members for bringing less dowry and the other

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sister Indu was not allowed to reside in the house of the in-laws. A Panchayat was called to resolve the matter on 18.01.2023 but the in-laws did not reach there. He received a phone call from his sister Indu who informed him that the in-laws were beating Preeti and when the complainant reached the house of his sister Preeti he saw her lying on the bed and a chunni like cloth was wrapped around her neck. She was immediately shifted to Asian Hospital where she was declared brought dead.

3. Both the accused Ankur and Ankit were arrested. Surender Kumar and Anjali, other family members, were not found in the commission of the offence. All efforts to arrest the present accused petitioner herein failed. The challan/final investigation report under Section 173 CrPC was prepared against Ankur and Ankit and was filed on 17.04.2023 in the Court of the Area Magistrate, Faridabad.

4. Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the case and that she had no role to play. It is further the contention that the petitioner is 5 feet 1 inch tall and weighs more than 85 kgs and is a chronic patient of thyroid, diabetes and kidney failure since 2015 and she is hardly able to move.

5. *Per contra*, learned counsel for the State has relied upon the status report to contend that the petitioner was actively involved in the commission of the crime and that she had been taunting the deceased for bringing less dowry. The petitioner and the other co-accused are alleged to have pressurized the deceased for bringing a Fortuner Car and Rs.5 lakhs. It has further been pointed out by the State counsel that there are two addresses of the petitioner and the Investigating Officer had visited both the

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premises personally, however, both the premises were found locked. Further, no medical record of the petitioner has ever been handed over to the police.

6. I have heard counsel for the parties.

7. In the present case the allegations are that the deceased was being continuously harassed for bringing less dowry. On the fateful day i.e 18.01.2023, the Panchayat was also convened to resolve the dispute, however, the in-laws of the deceased did not come present. The brother of the deceased received a phone call from his second sister, Indu, who is also married in the same house, informing him that the deceased Preeti was being beaten up by the family members. On reaching the house of his sister, the complainant found his sister lying on a cot with a chunni like material wrapped around her neck. She was shifted to Asian Hospital where she was declared brought dead.

8. During the course of arguments the learned State counsel has also pointed out that strangely the CCTV footage of a day prior and post the period of incident is available. However, the CCTV footage of the relevant period is missing. The DVRs of the CCTV cameras have been taken into possession by the police.

9. Keeping in view the gravity of the offence and the nature of allegations, I do not find this to be a fit case for grant of anticipatory bail. The present petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.08.2023
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(ALKA SARIN)
JUDGE

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