

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

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**CRM-M-13286-2022 (O&M)
Date of decision: 01.02.2024**

Sachin Goyal and another **...Petitioners**

Versus

U.T., Chandigarh and another **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. R. S. Bains, Sr. Advocate with
Ms. Arushi Garg, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. P.P., U.T., Chandigarh.

Mr. Mohan Singh Chauhan, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of pre-arrest bail to the petitioners in FIR No. 0023 dated 09.04.2021, registered under Section 304-B of IPC at Police Station Sector 49, Chandigarh.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint filed by complainant/respondent No. 2 Madhu Singla

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alleging therein that her daughter Shefali Singla was married with petitioner No. 1 Sachin Goyal on 18.02.2017 according to Hindu rites and rituals. A sum of approximately Rs. 70 Lakh was spent in the marriage on the demand of the petitioners, who are husband and mother-in-law respectively, and had given substantial dowry including gold and diamond jewelleris, Hero Honda Car and other articles. It was on their asking that a very costly resort was chosen for the purpose of performing the marriage. She alleged that 6-7 months after the marriage, the petitioners had started harassing her daughter on account of bringing insufficient dowry. They used to say that they were insulted as the dowry so given was not as per their status. The entire expenses on the delivery of child of her daughter were also borne by them. At that time, a gold bracelet and other jewelleris were also demanded by the petitioners and the family of the complainant had requested that since they had already spent more than their capacity in the marriage of their daughter, therefore, they were not in a position to meet with any new demand. Sometime thereafter, the petitioners raised demand of a Fortuner car and cash for the purpose of starting a some new business. The family of the complainant was constrained to give a sum of Rs. 4 Lakhs to them in the year 2019 but the petitioners were still not satisfied and they kept on harassing her daughter. She further alleged that in the year 2021, her daughter had informed them that the petitioners had been quarreling with her and on receipt of this information, they had gone to the matrimonial house of her daughter and had tried to prevail good sense upon the petitioners. She alleged that her daughter was fed up of the behavior of the petitioners, which was deteriorating day by day and also with their repeated demand of Fortuner car. She alleged that on 21.03.2021, the victim was thrown out of her

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matrimonial house by the petitioners. She came to the complainant along with her son. On 25.03.2021, in the evening time, she received some call from her husband and the complainant noticed her while crying. The complainant consoled her. On the asking of the victim, the complainant and her husband, in the evening, had gone to buy some footwear for the son of the victim and when they returned home, they came to know that the victim had committed suicide by hanging herself with noose. It was alleged that the petitioners had abetted the suicide by the victim. The complainant prayed for taking legal action against the culprits. After registration of FIR, investigation proceedings have been initiated and are going on.

3. It will not be out of place to mention here that at the time of issuing notice of motion on 19.04.2022, the arrest of the petitioners was ordered to be stayed and thereafter, vide order dated 08.08.2023, they were directed to join the investigation. As per status report, they have joined the investigation.

4. The present petition has been filed on the grounds and it is argued by their counsel that they have been falsely implicated in this case. No demand of dowry was ever raised by them. Rather, the victim was residing very happily with them and just before 05 days, the couple had celebrated their marriage anniversary on 18.02.2021 in a restaurant and some birthday parties were also attended by her on 18.03.2021 and 20.03.2021. During the period of her marriage, petitioner No. 1 and the victim had been visiting several countries. She did not leave any suicide note. There was delay of 15 days in lodging the FIR. The complainant has executed a compromise alleging

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that it was on instigation of some relatives that she has lodged the FIR in this case. Since they have already joined investigation, therefore, their custodial interrogation is not required. Hence, it is argued that the present petition deserves to be allowed.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has argued that the allegations against the petitioners are quite serious in nature. The victim had died within a period of 07 years of her marriage with petitioner No. 1. Specific allegations as to her being harassed by the petitioners on account of demand of Fortuner car, cash etc. had been levelled by the complainant in the FIR. The veracity of compromise, which is alleged to have taken place between the petitioners and complainant, cannot be looked into at this stage. Therefore, it is argued that the present petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through material placed on record.

7. The petitioners, who are husband and mother-in-law respectively of deceased victim, are alleged to have caused dowry death of the victim by harassing her on account of demand of dowry. The victim has died within a period seven years of her marriage. Investigation is still going on. The petitioners have placed on record a copy of the affidavit sworn by the complainant and signed by other persons to the effect that she had lodged the FIR of this case on instigation and on being misguided by some common friend of both the parties. It is also mentioned in this compromise as well as in

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the petition that petitioner No. 2 has agreed to transfer a plot of 100 sq. yards owned by her at village Peer Muchalla in the name of minor son of the deceased. However, it is settled position of law that compromise in offences like Section 306 of IPC cannot be accepted on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians or anyone else because the offence under Section 306 of IPC falls in the category of heinous and serious offence and is to be treated as crime against society and not against the individual alone. The allegations as against the petitioners are specific and serious in nature. In my considered opinion, the correctness and genuineness of the compromise, as stated to have arrived at between the parties, cannot be looked into by this Court and it is for the trial Court to consider the veracity thereof at the appropriate stage. Simply because the petitioners have joined investigation is no ground to extend the benefit of pre-arrest bail to them. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 438 of Cr.P.C. are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling

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the petitioners to seek concession of pre-arrest bail has been made out rather their custodial interrogation is required for thorough investigation in the matter by the police as well as for effecting recovery. Accordingly, finding no merit, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

01.02.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>