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215 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13222-2023
Date of decision: 1st May, 2024

Govil Dutt Sharma ...Petitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Manpreet Ghumman, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Mr. K.B. Raheja, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.

seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
84	16.06.2022	Anaj Mandi, District Patiala	304-B/120-B of Indian Penal Code, 1860 (for short 'IPC')

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 statement recorded by complainant Ravi Kant Vij alleging therein that his daughter Anamika Vij had gone to Canada on study visa. The mother of the petitioner who was a Principal in the same school wherein the wife of the complainant was teaching had proposed marriage of the petitioner with the

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daughter of the complainant to which they had agreed and the engagement of his daughter was performed with the petitioner. His daughter came to India on 11.04.2021 and her marriage with petitioner was solemnized on 24.04.2021. He alleged that at the time of marriage, he had given dowry articles which included gold and diamond ornaments and other articles as per his capacity. On 04.05.2021, he received a telephonic information from the petitioner that the victim Anamika was suffering from fever. On 07.05.2021, information regarding her critical condition had been received and on reaching hospital, he found his daughter to be dead. He has submitted that as there was outbreak of pandemic of COVID-19, thereafter, on representation made by petitioner and his family members, they remained under the impression that his daughter had died due to covid, though the covid test was found to be negative. The post-mortem examination of the dead body was conducted and viscera contents were sent for forensic examination.

3. As per the further allegations, the FSL report had been received subsequently as per which, the death of his daughter had occurred due to consumption/ingestion of some poisonous substance i.e. Aluminum Phosphide. He alleged that the petitioner and his family members in connivance with each other had ingested some poisonous substance to her, thereby causing her dowry death as they were not happy with the dowry articles given by them at the time of marriage and had been harassing her. He also alleged that all the dowry articles of the victim were with the petitioner and his family members and they were also not divulging the

details of her bank account, passport and other documents etc. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 16.06.2022. The passport, educational certificate, mobile phone and some of the gold ornaments as given to the victim were recovered from the petitioner and his family members. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with his family members is facing trial for the commission of the offence punishable under Section 304-B of IPC. He had filed an application for grant of regular bail before the Additional Sessions Judge, Patiala which was dismissed vide order dated 17.02.2023 .

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The victim had been suffering from fever and headache on 04.05.2021. Her health was not good after her marriage and her treatment was going on. The birthday of the mother of the petitioner was happily celebrated by the victim as on 06.05.2021 and photographs were also taken. The FIR was lodged after a gap of over one year from the date of death of the victim. All the gold ornaments belonging to the victim had been taken on *superdari* by the complainant. The remaining co-accused have been extended benefit of bail. The allegations as to harassing the victim on account of demand of dowry have been levelled as an afterthought. The custodial interrogation of the petitioner is not required. There are no chances of his intimidating the witnesses as the complainant already stands examined. No useful purpose would be served by keeping him in custody

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anymore. Hence, it is urged that the petitioner deserves to be given concession on bail.

4. Status report has been filed by respondent-State, wherein it is submitted that the viscera contents of the dead body of the victim had been sent for forensic examination and as per the report dated 12.05.2022, received from the forensic laboratory, Aluminum Phosphide was detected in the viscera contents and as per the opinion of the doctor, the cause of the death of the victim was Aluminum Phosphide poisoning. Learned State counsel assisted by learned counsel for the complainant has submitted that the victim had died within a period of two weeks of her marriage under suspicious circumstances. Her death was obviously unnatural. The trial is going on at a proper pace. The victim had died an unnatural death due to consumption/ingestion of some poisonous substance, while she was with the petitioner. Presumption of her having died a dowry death could reasonably be drawn. The complainant in his sworn deposition has levelled specific allegations with regard to the victim being harassed on account of bringing insufficient dowry. There are chances of petitioner's absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The victim had died within a period of two weeks of her marriage with the present petitioner during the period of outbreak of COVID-19. The allegations have been levelled by the complainant that since

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the petitioner and his family members had represented to him that the victim was suffering from fever two days before her death and had died due to Covid, he had believed so and no action was taken. However, it is only on receipt of the forensic report on 12.05.2022 and information received by him from the police on 16.06.2022 that the victim had died due to ingestion/consumption of Aluminum Phosphide, he had come to know about the actual cause of her death. In view of this, the plea that there was delay in lodging of the FIR cannot be considered at this stage. No doubt, the allegations that it was a case of dowry death, were not levelled after the death of the victim and have been levelled by the complainant at the time of lodging of the FIR and therefore, it is a debatable question that whether the victim had died a dowry death or not? However, nonetheless, her death due to unnatural circumstances which remained unexplained on the part of the petitioner who is husband of the deceased, is a circumstance which cannot be taken lightly. The trial is going on and at this stage, there is nothing on record to show that there would be any undue delay in conclusion of the same. The allegations against the petitioner are serious in nature. Gravity of the allegations is certainly an important factor to be taken into consideration at the time of deciding bail petition of an accused, therefore, in view of the discussion as made above to the effect that there are serious allegations against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of thereof, I am of the considered opinion that the petition does not deserve to be allowed at this

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stage. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st May, 2024
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes