

CRM-M-14453-2024

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**245 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-14453-2024

Date of decision: 10th April, 2024

Ajinder Pal Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sherry K. Singla, Advocate for the petitioner.

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

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking benefit of regular bail in case arising out of FIR bearing No. 80 dated 28.04.2021 registered under Sections 498-A, 326 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') and Section 304-B of IPC added later on at Police Station Dehlon, District Police Commissionerate Ludhiana.

2. The factual matrix of the case is that on 28.04.2021, the victim Ravinder Kaur was got admitted in Deepak Hospital, Ludhiana with burn injuries and on receipt of information qua her condition, a police party had reached there. The statement of the victim who was opined to have sustained 70% burns was got recorded by a Magistrate, since as per the opinion of the doctor, she was fit to record statement. In her statement recorded before the

Magistrate, the victim Ravinder Kaur disclosed that on the same day, at about 10:00 AM, the petitioner who is her husband had handed over a match box to her while leaving the house for his work by saying that she could do whatever she wished to do with the said match box. She stated that on this, she had set herself ablaze. She also disclosed that her husband and other family members of her in-laws used to compel her to bring a car from her matrimonial home and her husband also wanted to own the land and other properties of her parents. She further recorded that her mother-in-law who was at home at the time when the victim was setting herself on fire, did not make any efforts for her rescue and had only given information to her own daughter who had informed the parents of the victim. She also disclosed that her parents taken her to hospital after reaching at her house. Initially, a case under Sections 498-A and 326 read with Section 34 of IPC was registered. The victim died on 02.05.2021 and on conducting post-mortem examination of her dead body, the cause of her death was stated to be septicemia as a result of thermal burns. Offence under Section 304-B of IPC was subsequently added on recording statements of the parents of the victim and other material witnesses. The petitioner was arrested on 05.08.2020 and presently, he is facing trial for commission of offences punishable under Section 498-A, 326, 304-B of IPC.

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. No demand of dowry was raised by him or his family

members from the victim or her family members and a false statement had been recorded by the victim in this regard. It is further argued by him that infact, the victim was a patient of severe depression and even much prior to her marriage with the petitioner which took place on 30.01.2021, she was taking treatment for depression from Mind Plus Health Care Pvt. Hospital, Ludhiana. He has placed on record Annexures P-4 and P-5 copies of patient admission detail as well as prescription slip showing that the victim was having treatment for depression. He has also placed on record Annexure P-6 copy of certificate issued dated 20.05.2021 by Mind Plus Hospital Pvt. Ltd. that the victim was under treatment for major depressive disorder from this hospital since 16.09.2016 till date. It is submitted that the victim herself was hyper sensitive due to being a patient of depression and he had no hand in causing her suicidal death either by way of abetment or on account of any harassment by raising demand of dowry. He is in custody for a period of more than three and half year. Charge under Section 304-B of IPC was framed against him as on 01.09.2022. Not even a single witness has been examined by the prosecution so far. The trial is likely to take time. Therefore, it is urged that the petitioner deserves to be given concession of bail.

4. *Per contra*, learned State counsel has argued that the victim had recorded her statement before a Magistrate levelling specific allegations as against the petitioner for harassing her on account of demand of car and had also stated that on the day of occurrence while leaving his house, the

petitioner had handed over a matchstick to her and told her to do whatever she wished to do with the same, meaning thereby that he instigated her to commit suicide. It is also argued that by handing over a matchstick to a person who as per the petitioner himself was suffering from depression and had suicidal tendencies amounted to instigating or compelling the person to commit suicide. It is further argued that the period of incarceration of the petitioner itself is not a ground to extend benefit of bail to him. There are serious and specific allegations against him. The case of co-accused who is the mother of the petitioner and has been extended benefit of pre-arrest bail, cannot be stated to be at parity with the case of the present petitioner. With these broad submissions, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record carefully.

6. The victim is admittedly proven to have died a suicidal death by setting herself ablaze. Before her death, she had recorded her statement before the Magistrate giving the cause of death disclosing that on the same day, while leaving for his work, her husband had handed over a matchstick to her and left home by saying that she could do whatever she wished to do following which she had set herself on fire. She also disclosed that her husband wanted to own land and properties of her parents and her in-laws compelled her to bring a car. As already mentioned, she was married with the petitioner as on 30.01.2021 and died within a period of three months of

her marriage with the petitioner. No doubt, the documents which have been placed on record by the petitioner as Annexures P-4 to P-6 *prima facie* show that the victim was a patient of depression and was having treatment for the same since the year 2016. However, it is only after thorough assessment of the evidence to be produced before the trial Court that veracity of the documents so produced has to be evaluated. Even, if it is, presumed for the sake of arguments that the victim was suffering from depression and was under treatment, still the act and conduct of the petitioner can also not stated to be proper. The statement recorded by the victim before the Magistrate is to be considered as her dying declaration and shows that on being handed over a matchstick to her while saying that she could do whatever she wished to do with the same, what the petitioner had done, *prima facie*, amounted to his intentionally aiding, instigating, compelling or goading the victim to commit suicide as she was already having suicidal tendencies.

7. Further, the statement recorded by the victim before the Magistrate also *prima facie* shows that she was harassed by the petitioner on account of demand of dowry and also by showing greed to own properties of her parental family. These allegations are serious in nature. The period of incarceration as such cannot be stated to be a ground entitling him to seek benefit of bail as a matter of right. Keeping in view the nature of the allegations as levelled against the petitioner, the fact that his wife died under unnatural circumstances within a period of just three months of her marriage with the petitioner and the attendant facts and circumstances of the case, in

my opinion, he does not deserve to be given concession of bail at this stage.
Hence, the petition is dismissed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

10th April, 2024

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