



201 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60242-2022 (O&M)
Date of decision: 29th May, 2024

Rahul Kumar Yadav

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Yadav, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Aditya Sanghi, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
2	01.01.2022	City Narnaul, District Mahendergarh	304-B, 498-A, 406, 34 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 01.01.2022, a ruqa was received at the Police Station regarding dead body of one Priyanka wife of Mohit lying in the hospital and on receipt of the same, a police party had reached there, wherein the complainant Subhash Chand submitted a written complaint alleging therein that the victim who was his younger daughter was married with accused Mohit on 15.03.2021. He had spent huge amount of money in the marriage but her husband, brother-in-law (present petitioner) and their other family



members were not satisfied with the same. Soon after the marriage, they started harassing the victim on account of demand of cash amount of Rs. 5,00,000/- and also raised demand of creta car. The complainant had assured to meet with this demand on birth of some child of his daughter as he had already spent lot of money and pacified them but soon thereafter, all of them started harassing his daughter by raising other demands. The accused Mohit even extended beatings to his daughter. He alleged that on the occasion of Diwali in his presence, the mother-in-law of the victim had pushed his daughter, whereas, the accused Mohit slapped her and petitioner proclaimed that they would not keep her with them and the accused Mohit threatened to take her with the complainant and otherwise to kill her. The complainant brought his daughter back at that time. On 20.11.2021, the father-in-law of his daughter along with accused Mohit, petitioner and some relatives came to his house and while apologizing for their acts, assured to not to raise any demand in future and to keep the victim properly. She was accordingly sent back to her matrimonial house but on 01.01.2022, at about 4:00 PM on receipt of information from the maternal uncle of accused Mohit that the victim had drowned in the tank, the complainant rushed there and found his daughter to be lying there in a critical condition. She was taken to hospital but was declared to be brought dead. After registration of FIR, investigation proceedings were initiated. The co-accused Mohit was arrested on 02.01.2022. After completion of investigation, challan was presented against him, whereas the investigation against the present petitioner is under way.

3. The instant petition has been filed by the petitioner on the



grounds and it has been argued by his counsel that infact, the victim was having affair with one Arun and when this fact came to the knowledge of her husband and as well as other members of his in-laws family, then accused Mohit had asked her qua the cheating done by her with him and the victim while admitting that she had committed a mistake, had herself committed suicide. It is argued that during the course of investigation and while interrogating the co-accused Mohit, copies of the mobile chats and audio recordings taken from the mobile phone of the deceased with hindi transcription thereof were handed over to the police. They were even made part of the challan and clearly showed the victim while informing her brother that she was kept very nicely by her husband and other family members and that whatever, she would do, it would be her own responsibility. Transcription of the chats made qua the abovesaid Arun, has also been placed on record. However, it is argued that the investigating agency has not taken the same into consideration. The petitioner has already joined investigation. His custodial interrogation is not more required.

4. Learned counsel for the petitioner has further argued that general and omnibus allegations have been levelled against the petitioner and his family members without specifying as to which particular act and conduct had been committed by the petitioner which amounted to harassment of the victim on account of demand of dowry. It is not a case of dowry death but a case of committing suicide by the victim as the factum of her having love-affair with one Arun and chatting with him even after her marriage had come to the knowledge of her husband. With these broad



submissions, it is urged that the petition deserves to be allowed.

5. *Per contra*, it is argued by learned State counsel assisted by learned counsel for the complainant that there are specific and serious allegations against the petitioner as well as co-accused. The victim had died within a period of nine and half months of her marriage with the accused. The allegations levelled against accused Mohit who is presently facing trial and the present petitioner are the same. Therefore, it is argued that the petition does not deserve to be allowed.

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

7. The petitioner who is brother-in-law of the victim Priyanka is alleged to have subjected her to cruelty on account of demand of money or a creta car and as per the allegations, the victim had committed suicide due to the harassment meted out at the hands of the present petitioner and the other family members of her in-laws including the husband of the victim, who is presently facing the trial. It has come on record that all the streedhan belonging to the victim has since been recovered from the co-accused Mohit. The petitioner has already joined investigation in compliance of order dated 22.12.2022. No recovery is to be effected from him. The co-accused Mohit has already been extended benefit of regular bail. The case of petitioner is that the victim was having an affair with one Arun and as this fact had come to knowledge of her husband, he felt cheated. There was whatsapp chat between them wherein the victim was seen seeking opportunity to explain the reasons and shortly thereafter she committed suicide. It is a question of



evidence as to whether a case of dowry death has been made out or not. There are no specific allegations of demand of dowry against the petitioner who is brother-in-law of the victim. As such, the considered opinion of this Court, no useful purpose would be served by detaining the petitioner in custody. As such, the petition is allowed and the order dated 22.12.2022 is made absolute, subject to compliance of terms and conditions laid down under Section 438(2) of Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

29th May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |