

2024: PHHC: 021795
209/1

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

CRM-M No.58828 of 2023
Date of decision: 15th February, 2024

Lovejeet Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anupam Bhardwaj, Advocate for the petitioners.

Mr. Amandeep S. Samra, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.268 dated 29.11.2022 for the offences under Sections 302, 34 IPC registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1).

2. On the last date of hearing, i.e. 22.11.2023, while noticing the following submissions made by learned counsel for the petitioners, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation.

“Learned counsel inter alia contends that it has not been disputed that even as per the post mortem report the deceased had died a natural death i.e. on account of a cardiac arrest; furthermore, even as per the Chemical Examiner’s report no poison was detected in the viscera

which had been sent for examination, however, the petitioners who are husband and brother-in-law of the deceased respectively, have been made an accused in the case in hand only on account of the fact that the deceased had died within seven months of her marriage with petitioner No.1, and hence, an inference would have to be drawn that it was on account of some harassment meted out to her by her in-laws' family that she had met her end."

3. Learned counsel for the petitioners has reiterated that the cause of death of the deceased as per the post-mortem report was cardiac arrest and even as per the FSL report, no poison was detected in the viscera of the deceased, which was sent, hence, it was abundantly clear that the deceased had died a natural death, and there was no question of any foul play as far as death of the deceased was concerned. Learned counsel has further submitted that despite there being no allegation leveled in the FIR of any dowry demand being made, the investigating agency in its wisdom had now presented a challan under Sections 498-A, 304-B of the IPC. He further submits that in compliance of the order dated 22.11.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation. However, he has submitted that recovery of some dowry articles is required to be effected from the petitioners. At the same time, learned State counsel has not disputed that as per the post-mortem report, the deceased had

died a natural death and even no poison was detected in the viscera report sent by the FSL.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. A perusal of the FIR reveals that no allegations have been leveled against the petitioners of having either made any demands of dowry or having misappropriated the same. Hence, this Court fails to comprehend as to what dowry articles are required to be recovered by the investigating agency.

7. Be that as it may, once the petitioners have joined investigation and cooperated with the investigating agency, this Court would not refrain from allowing the concession of anticipatory bail to the petitioners. In the circumstances, the petition is allowed and the interim order dated 22.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No