

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-59431-2023
Date of decision: 14th February, 2024

Sajan @ Sachin Bhagat

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Veneet Sharma, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.

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.	Dated	Police Station	Sections
244	03.10.2022	Gate Hakima, Amritsar City, District Amritsar	304-B and 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 03.10.2022 on the basis of statement recorded by the complainant Rajni alleging that her daughter Sheetal was married with accused Shammi about three years back. A son was born out of the wedlock. At the time of marriage, the complainant had told the family of the groom that they were poor persons and were able to serve the *Barat* properly only. She alleged that shortly after the marriage, the in-laws family of her daughter started harassing her on account of bringing insufficient dowry. She had tried to make them understand several times but they did not mend their behaviour. She alleged that about two

months back, Sheetal was extended beatings by her husband and other members of her in-laws family. The matter was reported to the police and a compromise had been effected. However, on 30.09.2022, at about 4:00 PM on receiving a call from the accused Shammi that her daughter was not well, the complainant rushed to their house, where the present petitioner who is brother-in-law of Sheetal was found present who took the complainant to Bajwa Hospital where the victim was admitted in ICU. She was not allowed to meet the victim. On 03.10.2022, at about 9:00 PM, the victim had died in the hospital. She alleged that the death of her daughter had been caused by the family members of her in-laws on account of demand of dowry. FIR was registered and investigation proceedings were initiated. During investigation, some of the members of the in-laws family of the victim got benefit of anticipatory bail. They had joined investigation. Accused Sham Lal, Sonia and Mona were found to be innocent during investigation. The post mortem examination of the dead body of the victim was conducted and it was opined that the death was cause of hanging which was ante mortem in nature. After completion of necessary proceedings, challan under Section 173 Cr.P.C. was presented against accused Shammi and charges have been framed against him. The present petitioner who is brother-in-law of victim was arrested on 18.10.2023. Challan against him and co-accused Geeta Rani was presented on 15.12.2023. Charges are yet to be framed against them. The petitioner had moved an application for grant of bail before the learned trial Court which was dismissed vide order dated 14.11.2023.

3. The present petition has been filed by the petitioner who is

unmarried brother-in-law of the victim on the grounds and it has been argued by his counsel that the husband (Shammi Kumar) of the victim has been granted concession of bail by Co-ordinate Bench of this Court vide order dated 13.09.2023 in CRM-M-44343-2023. On the ground of parity, he deserves to be given concession of bail. Even otherwise, there are no specific allegations against him in the FIR as to raising any demand from the victim and causing any harassment to her leading to committing of suicide by her. It is also argued that the trial is likely to take time as no witnesses have been examined so far, despite, the fact that the charges were framed in this case as far as on 24.02.2023. Therefore, it is argued that the petition deserves to be allowed.

4. The respondent-State has filed status report. It is submitted in the status report that as per report submitted by S.H.O., P.S. Gate Hakima, Amritsar that before registration of the instant FIR, the victim had moved an application at the abovesaid police station alleging that her husband was a habitual drinker and he alongwith his mother used to extend beatings to her and on 25.04.2022, they had thrown her out of her matrimonial house after extending beatings to her. They also used to do so previously also. She had also alleged that her husband alongwith his mother and two aunts had extended beatings to her with stick and even attempted to strangle her. She has also alleged that the entire family demanded dowry and her husband and mother-in-law always asked her to bring earrings from her parents. As per the report of SHO, Police Station Gate Hakima, Amritsar he had called both the parties in the police station and a compromise was got effected. It is

also submitted in the report that during the course of investigation, statements of witnesses under Section 161 of Cr.P.C. have been recorded who had affirmed that the victim was harassed on account of demand of dowry. Learned State counsel had argued that as the allegations against the petitioner are serious in nature and therefore, he does not deserve to be given concession of bail.

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 alleged to have died a dowry death within a period of three years of her marriage with accused Shammi Kumar who has since been extended benefit of bail. The present petitioner is unmarried brother-in-law of the victim. There are allegations that all the members of in-laws family of the victim used to harass her on account of demand of dowry, however, there is no specific allegation as to what demand had been raised by the present petitioner and in what manner he had caused harassment to the victim leading to death. Keeping in view the facts and circumstances of the case, considering that the petitioner is in custody since 18.10.2023; trial is likely to take time and it is debatable as to whether petitioner had a hand causing in the unnatural death of the victim, as well as on the ground of parity, I am of the considered opinion that it is a fit case to grant concession of bail to the petitioner. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

14th February, 2024

Parveen Sharma

1. Whether speaking/ reasoned

2. Whether reportable

[MANISHA BATRA]

JUDGE

:

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Yes / No

Yes / No