

ABC 2020 (I) 170 P&H  
ACQUITTAL & BAIL CASES  
**HIGH COURT OF PUNJAB & HARYANA**

(Gurvinder Singh Gill, J.)

CRM-M No 47520-2019

Decided on 18 November, 2019

SARVAN

- Petitioner(s).

*Versus*

STATE OF HARYANA

- Respondent(s).

**Law Covered:-** Code of Criminal Procedure, 1973 –  
Section 438 – Anticipatory Bail – Indian Penal Code, 1860 –  
Sections 306, 498-A & 34 – FIR under – Allegation of harassment  
– Not alleged by the father of the deceased – specifically stated  
that she ended life due to mental illness & that they do not suspect  
anybody's hand in her death – No complainant ever lodged before  
any authority regarding any harassment or demand of dowry –  
Presence of relatives of the deceased during post-mortem – did not  
suspect the hand of the petitioner in any manner – Delay in FIR –  
after 21 days complainant came out with another – Held, it is not a  
case warranting custodial interrogation – Anticipatory bail  
granted. (Para 9, 11, 12 & 13)

**Held:-** I have considered rival contentions addressed before  
this Court. It is no doubt correct that there are allegations levelled in  
the FIR pertaining to alleged harassment on account of demand of  
dowry and beatings having been given by the petitioner to the  
deceased ever-since the date of her marriage, but, it remains  
unexplained as to why, in case deceased was harassed in this manner  
since 2010, her father did not state even a word when his statement  
was recorded on the next day immediately after death of  
complainant's sister-Rekha and as to why he chose to specifically state  
that his daughter had ended life due to mental illness and that they  
do not suspect anybody's hand in her death. (Para-9)

Still further, there is nothing on record to show that ever-since  
the marriage of the deceased, the complainant or anybody else had  
ever lodged any complaint before any authority regarding any  
harassment or raising demand of dowry by the petitioner or by any  
other member of his family. (Para-11)

a A perusal of post-mortem report shows that two of the brother of the deceased were also present there on 2.9.2019. It again remains unexplained as to why even the said two brothers did not state anything or did not suspect the hand of the petitioner in any manner. It is only after 21 days when the third brother of the deceased came out with another version that the present FIR lodged. (Para-12)

b Having regard to the aforesaid facts & circumstances of the present case, it would certainly be debatable as to whether it is a case of homicidal death or a case of suicide or as to whether the deceased had indeed be harassed by petitioner in order to press c upon their demands of dowry. As such, in my opinion, it is not a case warranting custodial interrogation. The petition merits acceptance & is hereby allowed. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing d personal bonds and surety bonds to the satisfaction of Arresting/ Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. (Para-13)

e **Counsel:-** For Petitioner(s): Mr. Aditya Sanghi, Adv.  
For Respondent(s): Ms. Aditi Girdhar, Adv.

### **JUDGMENT**

f **GURVINDER SINGH GILL, J.:** - 1. The petitioner seeks grant of anticipatory bail in respect of FIR No.654 dated 21.9.2019 under Sections 306, 34, 498-A IPC, Police Station Model Town-Rewari, District Rewari, Haryana.

g 2. The FIR was lodged at the instance of Giriraj brother of deceased wherein it has been alleged that his sister Rekha was married to petitioner-Sarvan on 16.5.2010 and that they had given dowry much beyond their means at the time of marriage, but in-laws of her sister were not happy with the same and she used to be harassed time-&-again by her in-laws who were also demanding an amount of Rs. 5,00,000/- for purchase of a plot. It is alleged that h Rekha used to be repeatedly beaten up for not being able to fulfill the demands of her in-laws. It is further alleged that the petitioner used to return home everyday under the influence of liquor and also used to hurl abuses. It is further alleged that Sarvan had even attempted to kill the complainant's sister on an earlier occasion in the month of

July/August, 2018. It is alleged that now the petitioner has ultimately strangled his sister to death on 1.9.2019.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the entire allegations as levelled in the FIR pertaining to the alleged harassment of deceased at the hands of petitioner or demand of dowry or cash amount of Rs. 5,00,000/- have been cooked up after consultation and that the FIR came to be lodged after 20 days of the occurrence.

4. Learned counsel has further submitted that in fact it is a case where the deceased had committed suicide on account of some depression and that when the statement of the father of the deceased was recorded on 2.9.2019 i.e. on the very next date of the death, he had given virtually given clean chit and had stated that his daughter has ended her life by hanging herself due to mental problem and that they do not suspect anybody for having killed his daughter.

5. Learned counsel has further submitted that in fact another sister of the deceased is also married in the same house and who has furnished an affidavit Annexure P-6 deposing categorically that neither she nor her sister had ever been beaten up by her in-laws and nor any demand of dowry had even been raised.

6. Learned counsel has further submitted that even as per post-mortem report, it is a case of death by hanging and there is nothing to suggest that it is a case of death by strangulation. Learned counsel has thus prayed for grant of anticipatory bail.

7. Opposing the petition, Learned State counsel assisted by learned counsel for the complainant has submitted that since specific and categorical allegations have levelled in the FIR against the petitioner regarding alleged harassment of the deceased, no case for grant of bail is made out.

8. Learned counsel for the complainant has vehemently argued that delay in lodging the FIR was mainly on account of fact that the complainant party was being pressurized to effect a compromise mainly on account of the fact that another daughter of the complainant is also married in the same house. Learned counsel for the complainant has further submitted that in fact video recording on mobile phone of petitioner shows the petitioner standing in 'Panchayat' with folded hands pleading for effecting a compromise which would clearly show that it is a case of homicidal death and not

a of suicide. Learned counsel for the complainant has also submitted that daughter of the deceased is also seen in another video clip stating specifically that the petitioner had strangled the deceased. A prayer has thus been made for dismissal of the petition.

b 9. I have considered rival contentions addressed before this Court. It is no doubt correct that there are allegations levelled in the FIR pertaining to alleged harassment on account of demand of dowry and beatings having been given by the petitioner to the deceased ever-since the date of her marriage, but, it remains unexplained as to why, in case deceased was harassed in this c manner since 2010, her father did not state even a word when his statement was recorded on the next day immediately after death of complainant's sister-Rekha and as to why he chose to specifically state that his daughter had ended life due to mental illness and that d they do not suspect anybody's hand in her death.

10. Still further, cause of death, as per post-mortem report, it is a case of antemortem by hanging, which could rule out the possibility of homicidal death due to strangulation.

e 11. Still further, there is nothing on record to show that ever-since the marriage of the deceased, the complainant or anybody else had ever lodged any complaint before any authority regarding any harassment or raising demand of dowry by the petitioner or by any other member of his family.

f 12. A perusal of post-mortem report shows that two of the brother of the deceased were also present there on 2.9.2019. It again remains unexplained as to why even the said two brothers did not state anything or did not suspect the hand of the petitioner in any manner. It is only after 21 days when the third brother of the deceased g came out with another version that the present FIR lodged.

h 13. Having regard to the aforesaid facts & circumstances of the present case, it would certainly be debatable as to whether it is a case of homicidal death or a case of suicide or as to whether the deceased had indeed be harassed by petitioner in order to press upon their demands of dowry. As such, in my opinion, it is not a case warranting custodial interrogation. The petition merits acceptance & is hereby allowed. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the

petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. a

14. It is, however, made clear that none of the observations recorded above shall be construed to be any expression on merits of the main case. b

**Result:-** Anticipatory bail granted. b

**ABC 2020 (I) 174 P&H**  
**ACQUITTAL & BAIL CASES**  
**HIGH COURT OF PUNJAB & HARYANA** c

(Arvind Singh Sangwan, J.)  
 CRM-M No 33898-2015 (O&M)  
 Decided on 26 November, 2019

**VIJAY KUMAR GOSWAMI & ANR.** - *Petitioner(s)*. d

*Versus*

**STATE OF HARYANA** - *Respondent(s)*. d

**Law Covered:-** Code of Criminal Procedure, 1973 – Section 468 – Haryana Development & Regulation of Urban Areas Act, 1975 – Sections 7 & 10 – FIR was registered beyond a period of limitation of three years – Challan not yet presented – Case still under investigation – FIR quashed. (Para 6) e

**Held:-** After hearing learned counsel for the parties, I find merit in the present petition. f

(a) Admittedly, the sale deed executed by the petitioners is of 24.08.2011 and this fact came to notice of the Director, Town and Country Planning on 25.12.2015, when he moved the first complaint to the Deputy Commissioner, Narnaul. Even when he gave the another complaint on 03.12.2015, the same was beyond the period of limitation prescribed under Section 468 (1) Cr.P.C. g

(b) The FIR was registered on 11.05.2015 i.e. beyond the period of limitation of three years and it is admitted case, as per affidavit of the DSP that till date, no challan was presented before the Court and the case is still under investigation. (Para-6) h