
(2020) 01 DEL CK 0495

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3118 Of 2017

Azad Singh Rana

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 22-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437, 439(2)
Indian Penal Code, 1860 — Section 302, 304B, 498A
Arms Act, 1959 — Section 25, 27, 30

Citation : (2020) 01 DEL CK 0495

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Sumati Sharma, Amit Kumar, Izhar Ahmed

Final Decision : Dismissed

Judgement

Suresh Kumar Kait, J

1. The present petition is filed by the petitioner being aggrieved of order dated 06.03.2017 passed by learned Additional Sessions Judge, Saket Court, New Delhi whereby he has granted bail to respondent No. 2 in FIR No,688/16 and now the matter is fixed on 28.07.2017 for further proceedings.

2. Learned counsel appearing on behalf of the petitioner submits that despite serious allegations against respondent No. 2, learned Court below has passed the order in a mechanical manner, while granting bail to the said respondent. She submits that the Court below has not recorded the contentions of learned counsel for the complainant, while granting bail.

3. To strengthen her arguments, learned counsel has relied upon the case of Rupak Rana vs. Rajpal Rana, 226 (2016) DLT 605, whereby it is held that in cases under Sections 437, 439 (2) Cr.P.C., Section 302 IPC and Sections 25, 27, 30 Arms Act, the bail can be cancelled if the bail is granted in a mechanical manner. The bail granted in the impugned order is barred under Section 437

Cr.P.C. as in the present case, the offence is under Section 498A/304B IPC, which are non-bailable offences.

4. On perusal of the impugned order, it reveals that case was registered on the complaint of complainant/ deceased's father, who alleged that after marriage of his daughter was fixed with respondent No. 2 for 10.02.2014, just before 5 days of marriage, in-laws of the deceased started demanding a car in the marriage and complainant instead of giving car, got one FDR of Rs.4 lacs prepared in the name of his daughter but the said FDR was encashed by her in-laws within 20 days of marriage. Demand of accused did not get satiated as they started asking the deceased to get Rs. 2 lacs more from her father. Moreover, deceased's ATM card was also snatched by her mother in law and was not allowed to talk to her parents. At the time of birth of son to deceased's sister in law, deceased's parents again gave all the articles for the ceremony of Pilia as per their demand and also gave Rs.1.5 lacs. The deceased gave birth to a daughter on 30.08.2015, mother in law of deceased started constantly taunting her for giving birth to a female child and also raised demand for more money. When the deceased refused to ask her parents for the same, she was hit on her abdomen by her mother-in-law. It is further alleged that deceased had informed her parents that her husband is also having friendly relations with other girls who used to also call him on his telephone.

5. As per the FIR, on 27.10.2016 at about 8:00 PM the deceased's father got telephonic information that her daughter had committed suicide and was taken to Trauma Centre, Hauz Khas. However, when the deceased's parents reached there, they found none present from the accused family and only mediator who is relative of deceased's parents was present there.

6. Case of the respondent No. 2 accused (husband of deceased) is that the deceased was having suspicion on him about his extra marital relations with some other girls and on 27.10.2016 which happened to be his birthday, he received some SMS on his mobile and he refused to show his mobile phone despite her request and as a consequence, she got angry. He also got annoyed from her said behaviour and left for his work. When he came back, the deceased prepared tea for him but he went to sleep and after waking up at 5:00 PM, he left the house. At about 6:30 PM, when he reached home, he saw the door of the house bolted from inside and when he got the door opened with the help of one girl from neighbourhood, he saw that her wife committed suicide by hanging herself on the ceiling fan.

7. It is not in dispute that the respondent no. 2 remained in judicial custody for four and a half months and the Court below after considering the facts and circumstances of the case and rival contentions of the parties, has granted bail. However, it is not the case of petitioner that respondent No. 2 has violated any of terms of the bail imposed by the Sessions Court.

8. In view of the above, the judgment relied upon by the petitioner is not

applicable in the present case. Bail is discretionary and is not to be passed in a mechanical manner. However, in the present case, a detailed order has been passed while granting bail.

9. Therefore, I find no merit in the present petition. The same is accordingly dismissed.