
(2012) 03 SHI CK 0458
In the High Court Of Himachal Pradesh
Case No : Cr.M.P. (M) No. 118 of 2012

Karam Chand and Subhashna Devi	Vs	APPELLANT
The State of Himachal Pradesh		RESPONDENT

Date of Decision : 05-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154, 439
Penal Code, 1860 (IPC) — Section 306, 34, 498A

Citation : (2012) 03 SHI CK 0458

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Kuldeep Singh, J.—This is an application u/s 439 Cr.P.C. for releasing the petitioners on bail in FIR No. 274/2011 dated 5.12.2011, registered at Police Station, Kangra under Sections 498A, 306, 34 IPC. It has been stated that Kewal Krishan son of petitioner was got married in the year 2003 with Shresta Devi. Kewal Krishan was living separately with his family after the marriage. The conduct of Kewal Krishan was not good with petitioners. The petitioner No. 1 disinherited Kewal Krishan and an affidavit to this effect was sworn before Notary Public on 2.3.2007 and publication was also made in news paper on 29.3.2007.

2. The petitioners have been falsely implicated in the case. The complainant has levelled false allegations of beatings to the deceased and demand of dowry. The deceased was residing separately with her husband after marriage. The learned Addl. Sessions Judge has not appreciated the aforesaid aspects of the matter. The bail application filed by petitioners was erroneously dismissed by learned Addl. Sessions Judge Kangra at Dharamshala on 13.1.2012. There is no legal evidence on record connecting the petitioners with the commission of offence. The petitioners are ready to furnish bail bonds in accordance with the directions of this Court. The prayer has been made for releasing the petitioners on bail.

3. The status report has been filed. It has been stated that case has been

registered on the statement u/s 154 Cr.P.C. of Smt. Geeta Devi mother of deceased Shresta Devi It has been stated that Shresta Devi was married in the year 2003 with Kewal Krishan. Shresta Devi gave birth to two sons aged about 7 and 2 years. The in-laws of Shresta Devi had been torturing Shresta Devi for the last 5/6 years. Shresta Devi had come to complainant about 15 days ago and told that she was given beatings by her in-laws and husband. They were switching of her light and even not providing her food. A compromise was also written before Gram Panchayat Abdulhapur in order to keep the matrimonial tie intact. The complainant had been advising her daughter to manage with her inlaws.

4. On 5.12.2011 at about 6 A.M. Ashwani Kumar informed the complainant on telephone that her daughter committed suicide by hanging. The complainant went to the spot. The dead body of the deceased was examined. There were no injury marks on her body. However, her in-laws and husband were torturing the deceased for dowry. They were not providing her food and treated her with physical and mental cruelty. On account of torture Shresta Devi committed suicide by hanging. On this case was registered. The prayer has been made for rejection of the bail application.

5. Heard and perused the record. I have heard the rival contentions of Learned Counsel for the parties. There is no specific allegation of torture immediately prior to alleged occurrence for compelling the deceased to end her life by hanging. The allegations of dowry and torture are vague. The son of the petitioners was not having good relations with petitioners and for this reason the son was living separately alongwith his wife and children. The petitioners are innocent. It has been stated by learned Addl. Advocate General that there are 18 PWs and the case has been listed before learned Sessions Judge, Kangra at Dharamshala for evidence on 15th to 20th March, 2012. The petitioners were arrested on 5.12.2011 and since then they are in custody. The trial will take some time. No purpose will be served to detain the petitioners for indefinite period. In these circumstances, the petitioners have made out a case for grant of bail u/s 439 Cr.P.C.

6. In view of above, the application is allowed. The petitioners are ordered to be released on bail in FIR No. 274/2011 dated 5.12.2011, registered at Police Station, Kangra under Sections 498A, 306, 34 IPC on their furnishing personal bonds in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of learned Judicial Magistrate Ist Class(2), Kangra at Dharamshala with the conditions that the petitioners shall not overawe or terrorize the prosecution witnesses and they shall maintain absolutely peaceful and lawful conduct during the pendency of the trial. The observations made in the judgment are for disposal of the bail application and it shall not be construed as expression of opinion on the merits of the case.