
(1998) 03 P&H CK 0160

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 3507-M of 1998

Prem Lata

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 04-03-1998

Acts Referred:

Citation : (1998) 2 RCR(Criminal) 376

Hon'ble Judges : Sarojnei Saxena, J

Advocate : Gobind Handa, K.D.S. Hooda, R.S. Cheema, Advocates for appearing Parties

Judgement

Dr. Sarojnei Saxena, J

1. Mr. Cheema submits that the deceased died within 55 days of her marriage. Petitioners are parentsinlaw of the deceased. In the bail petition dying declaration recorded by a Magistrate is reproduced. The learned counsel pointed out that in this dying declaration, the deceased has clearly exonerated every person of her inlaws, family and has categorically stated that because of her own likings and inclinations and craving for outdoor life she could not cope up with the married life; therefore, she consumed tablets. He also referred to the letter written by the father of the deceased on 9.7.1997 (Annexure P1), which also, according to him indicates that the deceased could not adjust herself in matrimonial home though even according to him her fatherinlaws" family is richer and can provide all comforts and luxuries. He sent money to purchase a car to her in her own name because she wanted to have a car. According to the learned counsel, there was no demand of dowry, no harassment on that count. When she felt uncomfortable after taking tablets, she was removed by the petitioners to Civil Hospital, Ambala. From there, she was referred to P.G.I. Chandigarh, she survived for three days and died on 17.1.1998. Father of the deceased reached P.G.I. on 17.1.1998 in the morning. The deceased"s uncle and aunt, who are living at Ambala, were present in the hospital at Ambala. He also contended that Kala Ramdesh, A.S.P. has conducted investigation about this

dying declaration and she found that it was voluntarily made. She also found that the uncle and aunt of the deceased were present in Ambala hospital.

2. Husband of the deceased is already on interim anticipatory bail. He has joined the investigation. The petitioners surrendered themselves before the police and are in custody since last two weeks after their period of protection granted by the court was over. On these facts, he submits that the petitioners are entitled to bail.

3. Complainant's learned counsel contends that from the First Information Report lodged by father, it is evident that when he reached P.G.I., Chandigarh, the deceased made a statement to him and she said that she was threatened by inlaws not to state anything against them otherwise they will not spare her father, thereby the dying declaration recorded by the Magistrate in Ambala hospital is explained. In this First Information Report, father has categorically made allegations that there were demands of dowry. He paid Rs. 2,50,000/ to the inlaws. In this First Information Report, he also makes an allegation that his daughter told him that when she was complaining of headache, her fatherinlaw gave her three tablets and motherinlaw gave water to drink. Thereafter, when she felt uncomfortable and started vomiting, she was shifted to Civil Hospital, Ambala.

4. Complainant's learned counsel also contended that the copy of the letter (Annexure P1) is retained by father of the deceased. It is a long hand written letter. According to him, in this letter, there are latent allegations against parentsinlaws and their family. It appears that he gave a little advice to his daughter to live happily in matrimonial home and to adjust her according to the family customs and tradition of her inlaws. He vehemently argued that within 55 days of her marriage, the deceased is dead. According to him investigation is still going on. At this stage, if the petitioners are enlarged on bail, it may run counter to the smooth running of the investigation. Husband has also been granted interim bail. No doubt he has joined the investigation, but the investigation is still going on. On these counts, he submits that bail petition of the petitioners be dismissed.

5. Admittedly, the deceased is dead within 55 days of her marriage. It is also an admitted fact that the small child of petitioners's son Mukesh is no more living with petitioner No. 1 in jail. On 14.1.1998 dying declaration was recorded by Magistrate in Ambala hospital. In this dying declaration, the deceased is not levelling any allegation against her inlaws. In the First Information Report lodged by father, he is mentioning that she was under a threat when her this statement was recorded. The Magistrate has appended a note below the dying declaration that it was made clear to her that she is not bound to make any confession and if she makes, it can be used against her. The deceased was aged 22 years and was graduate; she was a sports person also.

6. The tenor and tone of the letter (Annexure P1) reflects the way of life she was accustomed to live and the circumstances under which she was living in her

inlaws" house. No doubt, father gave Rs. 2,50,000/ to his daughter; the amount was paid to purchase a car as well, but it is also apparent from the documents produced by the petitioner's learned counsel that the deceased was appointed as an Additional Director in their Company.

7. Investigation is still going on. It will not be appropriate to comment on the fact and merits of the case. Hence, considering all the above facts, but without commenting on them, the petition with regard to petitioner No. 1 Prem Lata is allowed. If she submits bail bonds in the amount of Rs. 35,000/ with one surety in the like amount to the satisfaction of Chief Judicial Magistrate, Ambala, she be enlarged on bail. Bail petition with regard to petitioner No. 2 Daultat Ram is dismissed.