
(1994) 09 P&H CK 0048

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 6266-M of 1994

State of Haryana

APPELLANT

Vs

Dolat Ram and Another

RESPONDENT

Date of Decision : 08-09-1994

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439(2)
Penal Code, 1860 (IPC) — Section 304B

Citation : (1995) 2 DMC 248 : (1995) 2 RCR(Criminal) 304

Hon'ble Judges : H.S. Bedi, J

Bench : Single Bench

Advocate : S.S. Gill, AAG, for the Appellant; Virender Singh, for the Respondent

Judgement

H.S. Bedi, J.—This is an application for cancellation of anticipatory bail granted to the respondents by the Additional Sessions Judge, Rohtak, on November 12, 1993. The case pertains to an offence u/s 304B of the Indian Penal Code and there are four accused in the case including Anil Kumar non-applicant. The present respondents are father-in-law Dolat Ram, mother-in-law Chander Kanta and brother-in-law Sunil Kumar. The incident in question took place on November 7, 1993. The F.I.R. was registered on the next date i.e., 8th of November, 1993. The application for anticipatory bail was filed on 9th November, 1993 and the same was allowed on November 12, 1993 after notice to the Public Prosecutor. The only ground for granting anticipatory bail which weighed with the Addl. Sessions Judge was that the couple Anil Kumar and Sunita deceased and the other accused i.e., the present respondents were living separately as would be evident from the Ration Card that has been filed alongwith the application.

2. Mr. Virender Singh, learned Counsel for the respondents has, at this stage, produced certain other documents intended to show that the incident in question had not taken place. Admittedly, these documents were not produced before the Addl. Sessions Judge at the time when he made the order in question. Dowry death is a serious matter and cannot be taken lightly. No positive finding has

been recorded by the Addl. Sessions Judge in his order to the effect that the respondents and the deceased were living separately. A prima facie case has been made out against the accused which precluded the grant of anticipatory bail. To my way of thinking, the concession of anticipatory bail granted by the Additional Sessions Judge, was totally uncalled for. The order dated November 12, 1993, is, therefore, set aside and the respondents are directed to be taken into custody forthwith.