

IN THE COURT OF DR RAM KUMAR SINGLA,

UID NO.PB-0122,

ADDITIONAL SESSIONS JUDGE,

GURDASPUR.

Bail Application No. 487 of 14.11.2018

Date of Institution:14.11.2018

CIS No. BA-3045-2018

CNR No.PBGD01-007591-2018

Date of Order: 07.12.2018

Rakesh Kumar Kuatra aged 41 years son of Avinash Chander Kuatra,
resident of E/92, near Muglani Building, Mohalla Anand Nagar,
Saharanpur, Utter Pradesh.

..Accused/applicant.

Versus

State of Punjab.

.....Respondent.

FIR No. 0225 dated 01.11.2018

Under Section 306 of Indian Penal Code.

P.S. City Gurdaspur.

First Application for bail under section 438 Cr.P.C

Present: Sh. Narinder Sharma Advocate, for the accused/applicant.

Sh. Vikram Kashyap Addl.PP for the State, assisted by

Sh. Manoj Loomba, Advocate, counsel for complainant.

ORDER

Police record has been received. Arguments have been heard on anticipatory bail application of accused/ applicant Rakesh Kumar Kuatra pertaining to FIR No.0225 dated 01.11.2018 for the offence punishable under section 306 of the Indian Penal Code, P.S. City Gurdaspur.

2. Briefly the facts and circumstances on record necessary to be detailed here for consideration of the present anticipatory bail application of the accused/applicant Rakesh Kumar Kuatra are that the present case was registered at the instance of complainant Joginder Pal (hereinafter called complainant) whereby he put the version that he had performed the marriage of his daughter Priya Arora in the year 2005 with Rakesh Kumar Kuatra accused/applicant resident of E/92, near Muglani Building, Mohalla Anand Nagar, Saharanpur, Utter Pradesh according to Hindu religious rites. Her daughter was being harassed from the very beginning of her marriage by her in-laws i.e. her mother-in-law, father-in-law and her husband. They had raised the demand of Rs. 25 lac cash immediately after that marriage for purchasing a new house for them. Thereafter she was repeatedly harassed on one pretext or the other. She had delivered a female child in the year 2006. She remained fed-up from her in-laws. Lastly, she was residing in a rented accommodation in Ambala Cantt. The complainant had brought his that daughter along-with her daughter Ridhma at Gurdaspur to reside with him just before the one month of this occurrence of 01.11.2018. Accordingly she was residing with the

complainant for the period of more than one month at Gurdaspur.

3. On 01.11.2018 the complainant as usual had gone to his shop, whereby he had received a message from his wife Meena that his daughter Priya Arora was vomiting. The complainant came to his house and removed to his that daughter to Arora Hospital where from she was referred to Amritsar. She was died on the way to Amritsar near Dhariwal bye pass at about 2.00 P.M., on that very day i.e. 01.11.2018. The complainant added that his that daughter ended her life being fed up from the harassment of her in-laws. Accordingly, the present case was registered against the aforesaid Rakesh Kumar Kuatra husband of the said Priya Arora and his parents Avinash Chander Kuatra and Saroj Bala. In the investigation proceedings, a so called suicide note of the said Priya Arora has also come on record, whereby the said deceased Priya Arora mentioned that she committed suicide being fed up from her life. Aggrieved from that, the accused/applicant has preferred his anticipatory bail.

4. The learned counsel for the accused/applicant has argued that the marriage of the applicant was performed with said Priya Arora in the year 2005. More than thirteen years have already been passed. The said deceased Priya Arora was residing with her parents for the last more than one month at Gurdaspur. So for the alleged suicide note nothing has been construed as direct or overt act attributed to the applicant/accused or his parents. All the allegations against the applicant and his parents are false and frivolous. The applicant is ready to join the investigation proceedings.

Moreover, that allegations are not warranting his custodial interrogation in any manner. Therefore, the accused/applicant is entitled to concession of exceptional circumstances i.e. anticipatory bail to him.

5. Learned Additional PP for the State assisted by Sh. Manoj Loomba Advocate learned counsel for the complainant has replied that the pending of matrimonial litigation of the deceased with her husband who is accused/applicant and further to live the deceased at her parents by leaving her matrimonial house is sufficient to infer that she took that unwarranted step being fed up from her husband accused/applicant and his parents. Therefore, the gravity of offence does not warrant the concession of anticipatory bail to the accused/applicant, rather thorough probe to that allegations is warranted.

6. **Having heard to their rival contentions and have gone through the file,** to the aforesaid episode of crime, first of all, it is an admission of the complainant that the said Priya Arora was already residing with her parents i.e. complainant for the last more than one month. Her marriage with the complainant was performed in the year 2005. Now it is 2018. Meaning thereby more than 13 years have already been passed. No doubt their matrimonial litigation is pending, but it has come on record in the investigation proceedings that the said Priya Arora had suffered a suicide note, therefore, she might have aired her grievance in that note. On perusal of the version of that so called suicide note of said Priya Arora, that is not warranting any offence against the applicant/accused to invite the offence punishable under section 306 of the Indian

Penal Code. As the said note is not construing any direct or overt act attributed to the accused/applicant which led the deceased to commit suicide and seeing no option and that acts of the accused/applicant must have been intended to push the deceased into such a situation that she committed suicide. Instead, even the name of the accused/applicant has not been mentioned therein. Had there been no such note then adverse inference can be taken against the accused/applicant, but to execution of that note by the deceased and on perusal of that compels to infer that it was not of the direct or overt act towards the deceased to push end to her life. Therefore, to this situation his custodial interrogation is not warranted, rather it is hereby held that he is entitled to the concession of exceptional circumstances i.e. anticipatory bail.

7. Consequently, without commenting on the merits of the case, accused/applicant is directed to surrender before the Investigating Officer/ Arresting Officer within two weeks and he will be admitted to interim bail on furnishing his bail bonds and surety bonds to the satisfaction of said officer and subject to the compliance of provisions of section 438(2) of Code of Criminal Procedure. Police record be returned.

Let compliance report and further progress report of investigation proceedings be awaited for **04.01.2019**.

Pronounced in open court.
Dated: 07.12.2018.

Shiv Kumar Stenographer Gr.1

(Dr Ram Kumar Singla),
UID No. PB-0122,
Additional Sessions Judge,
Gurdaspur.