

AMIT KUMAR VERSUS STATE OF PUNJAB

**IN THE COURT OF SH. SHATIN GOYAL, VACATION JUDGE,
JALANDHAR (UID No. PB0157)
(NRI Court)**

CIS Case No : BA-2463 of 2019
CNR No : PBJL01-014361-2019
Date of Institution : 11.06.2019
Date of Order : 20.06.2019

Amit Kumar aged about 40 years son of late Shri Kharaiti Lal, resident of House No.53, New Dashmesh Nagar, Ladowali Road, Jalandhar City.

...Applicant-accused

Versus

State of Punjab

FIR No.61 dated 04.06.2019
U/s 304-B/34 IPC
P.S.Navi Baradari, Jalandhar.

First Bail Application U/s 438 Cr.P.C.

Present: Sh.Gulshan Arora, Advocate for the applicant-accused.
 Ms.Mittu Sheanhmar, Additional PP for the State.
 Sh.Harsh Bhatt, Advocate, counsel for complainant.

ORDER:

1. Heard on the anticipatory bail application of applicant-accused Amit Kumar.
2. Briefly, the case of the prosecution is that one Shashi Bala complained to the police that she got married her daughter Raman Bala to Amit Kumar on 13.05.2013. A daughter was born from this marriage in 2014. Soon after marriage, Amit Kumar and his family members started harassing her daughter for bringing more dowry. Many a times, Panchayats were held, but of not much consequence. About 15 days back, Raman Bala informed her on telephone that she was beaten severely by

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her mother-in-law and her husband and was thrown out from the matrimonial house. On 01.06.2019, ₹70,000/- were given to Amit Kumar and Raman Bala was again rehabilitated. Now, she had received an information that Raman Bala had been killed by her in-laws family and has been hanged on a ceiling fan. Police party reached at the house and FIR under Section 304-B read with Section 34 IPC was registered.

3. Learned counsel for applicant-accused submitted that he and his family has been unnecessarily roped in false case. His brother and sister had also been named, who are not even residing in India and are in Australia. Actually, Shashi Bala, mother-in-law is the real culprit. Her own husband had left the house of Shashi Bala due to her atrocities. His whereabouts are not known. Applicant-accused Amit Kumar and his family was in the process of going to Australia after obtaining visa and visa has already been received. There was no demand of dowry. No amount of ₹70,000/- was received. The deceased died because of her own frustration and he and his family cannot be faulted with. A prayer is made for grant of bail.

4. Learned Additional P.P for State and Sh.Harsh Bhatt, Advocate, counsel for complainant however, vehemently contested the anticipatory bail application, claiming that investigation is at very initial stage. It is not a suicide, but a murder. Photographs were placed on record to claim that dead body is hanging on a rope, but legs of deceased are lying on the bed. So, it is clear that dead body was hanged after murder as it is not possible that a person may die by hanging on a rope when her legs were safely placed upon bed. It was further argued that it is a case of murder.

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Secondly, previous conduct of dowry harassment demand a cruelty, clearly invites offence under Section 304-B IPC even if it is presumed that it is a suicide. It was also argued that if anything occurred without any fault of applicant and his family, then they could have informed the police, cooperated and would have been present when dead body was recovered. But applicant-accused and his family are rather absconding and were not even present when dead body was recovered in the house of accused. A prayer is made for dismissal of bail application.

5. I have considered the rival submissions. This is a very serious case. One person has died. Whether it is a suicide or murder, needs to be investigated. Photographs placed on record shows considerable doubts as to possibility of suicide, though it shall be for investigating agencies to exactly find out the real cause of death and the manner, in which it occur. Applicant-accused and his family were supposed to be there, but were not there even in their own house. So, this case had all the possibilities, which needs to be elucidated and to be extracted by proper investigation. In such like cases, anticipatory bail cannot be granted, which is granted in rare circumstances to rule out victimization. The dimensions of case rule out any possibility of grant of anticipatory bail to the applicant-accused. The police deserves a fair liberty to investigate the matter. Instant anticipatory bail is accordingly held to be without merits and the same is hereby dismissed.

6. Nothing observed herein shall have any bearing upon the merits of the case and shall confine its effect only for the purpose of disposal of the present bail application. Record, if any be returned and bail application papers

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be consigned to Record Room, Jalandhar.

Pronounced in the open Court:
Dated:20.06.2019

*Vivek**

Shatin Goyal,
Vacation Judge,
Jalandhar (UID No.PB0157)
(NRI COURT)