

Raj Kumar Vs. State (Delhi Admn.)

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Court : Delhi

Decided On : Apr-21-1993

Reported in : 1994CriLJ1124; 1993(26)DRJ140

Judge : Sat Pal, J.

Appeal No. : Crl. M(M) No. 442 of 1993

Appellant : Raj Kumar

Respondent : State (Delhi Admn.)

Advocate for Pet/Ap. : K.K. Sud and; Shanti Pandey, Adv; H.P. Sharma, Adv

Judgement :

ORDER

1. This is a petition under S. 439 of the Criminal Procedure Code for release of the petitioner on bail.

2. As per the allegations made in the FIR, lodged at the instance of the brother of the deceased, the petitioner was married to Sadhana in the year 1986. It has been alleged that the petitioner used to have quarrel with the deceased over dowry. On 14th July, 1991 the petitioner had a quarrel with his wife in the presence of the complainant and during the quarrel the deceased is alleged to have stated that on the earlier day also the petitioner had a quarrel with the deceased and had even picked up the knife to hit her. When the deceased informed her brother about the

said incident, the petitioner is alleged to have retorted that if she would trouble him, he would do the same. It has further been alleged that thereafter the deceased Sadhana went upstairs and set herself on fire. In this effort to save his sister, the complainant also got some burns in his hands but he could not save her.

3. Mr. Sud, the learned counsel for the petitioner drew my attention to the statements of the complainant, Shri Nathu Ram, Smt. Babita (sister of the deceased) and Shri Jai Bhagwan. He contended that the allegations of dowry made by the aforesaid persons was of general nature and no specific allegation of dowry has been made against the petitioner. He further submitted that the deceased had been married to the petitioner for a period of six years and during this period she was not keeping good health and could not conceive any child and because of these reasons she might have committed suicide. He also submitted that the grandmother of the deceased, who had performed the marriage ceremony of the deceased, has not been examined as a witness. The learned counsel also submitted that as per DD No. 25 dated 14th July, 1991 the petitioner also got burn injuries in his hands while trying to save the deceased. The learned counsel also submitted that there was unexplained delay in lodging the FIR.

4. Mr. Sharma, learned counsel appearing for the State, however, submitted the the delay in lodging the FIR has been clearly explained by the complainant Rajesh Kumar in his statement. From the statement of the complainant it is clear that he got some burns in his hands while saving his sister on 14th July, 1991 and as such he could lodge the complaint on 15th July, 1991.

5. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties. From the statements of Smt. Babita (sister of the deceased) and Shri Jai Bhagwan I find that there are clear allegations against the petitioner that after consuming liquor he used to beat his wife and also used to quarrel with the deceased for not bringing sufficient dowry. The complainant has also alleged in his statement that the petitioner used to have quarrel with the deceased over dowry and used to say that her grant-mother had not given him anything. Keeping in view the totality of the circumstances I am of the view that it

is not a fit case for grant of bail to the petitioner at this stage. Accordingly, the petition is dismissed.

6. Petition dismissed.

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