

inder Raj Vs. State

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Court : Delhi

Decided On : Apr-16-1993

Reported in : 1993(2)Crimes311; 50(1993)DLT613; 1993RLR312

Judge : R.L. Gupta, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 196 of 1993

Appellant : inder Raj

Respondent : State

Advocate for Pet/Ap. : K.G. Bhagat,; F.N. Bhan,; M.S. Dahiya and;

Judgement :

R.L. Gupta, J.

(1) Petitioner is the father of Rajbir Singh who was married to the deceased Gulab Devi on 17.6.1990. He is facing prosecution along with his son Rajbir Singh and wife Smt. Jagwati. Jagwati is on bail and he has also prayed for bail in this application.

(2) I have heard arguments advanced by learned Counsel for the parties. The case of the prosecution is based primarily on the statement dated 27.7.92 of Smt.

Mohan Devi mother of the deceased. She stated that she had married her daughter to Rajbir Singh about 2 years back. She was about 20 years old and had a son of about 11 months. After marriage, Rajbir Singh and his parents used to harass her daughter for bringing more dowry. They even used to beat her. Whenever the deceased came to her house, she complained about Rajbir Singh and his parents who some time demanded money for buying a buffalo or at other times demanded a cooler or a fridge. She could not fulfill these demands. As a result, the deceased lived in constant trouble. On 24.7.92 on account of Teej festival her younger son Mahender went to Palam. On that day also Rajbir and his parents gave beating to Gulab Devi deceased as a result of which she finished her life by throwing herself before the train out of frustration. Her statement is supported by her son Satbir Singh and Mahender Singh. Mahender Singh is one who had visited his sister's house on Teej festival day i.e. on 24.7.1992. He saw beating being given to her by Rajbir Singh and his parents. At that time his sister told him that he should go back or otherwise they will beat him also and so he returned to his village. His age is only 15 years. There is another supporting statement of Itwari Lal, maternal uncle of the deceased.

(3) Learned Counsel for the petitioner contended that the statement of Smt. Mohan Devi, mother of the deceased is only a hearsay evidence because the alleged complaint made to her by the deceased regarding the alleged beating, harassment and demand of dowry to her are not corroborated by any other evidence. I am afraid it is not possible to say that the statement of Mohan Devi is in the nature of hearsay evidence. She is the one to whom the deceased had been complaining about the alleged ill-treatment, beating and demands of dowry. Moreover, we have the statement of Mahender Singh, brother of the deceased who actually saw her being subjected to man-handling by the husband and his parents. It was only on 25.7.1992, that is, the day next to the Teej festival that she is alleged to have committed suicide. It is not possible to say at this stage that the site plan indicates it to be a case of an accident suffered by the deceased while she was returning after answering the call of nature and so many circumstances will have to be seen in this respect and at this stage the circumstances do indicate prima facie the harassment to the deceased on account of demand of dowry and her consequent death in un-natural circumstances.

(4) Learned Counsel for the petitioner then contended that the petitioner was an old patient of injuries on his neck and right shoulder which he sustained due to fall from the roof of his house in December, 1991. The injuries are alleged to have surfaced again due to cold and unhygienic conditions in the jail for which petitioner was now getting proper medical treatment. It may be noted that now we are at the threshold of summer and if any such injuries suffered in the fall by the petitioner are giving him trouble, they are likely to subside with the on-set of summer. The allegations against the petitioner are very serious. It is a matter of common knowledge that the incidence of crime against the newly married women in the society is on a steep rise and perhaps it may not be too much to say that the very institution of marriage in this ancient land where women were looked upon with great respect and as equal partners in every possible walk of life, are being subjected to such inhuman treatment. therefore, in an attempt to restore age-old values of life, the individuals allegedly concerned in the perpetration of such crime, cannot be dealt with in a light-hearted manner. If we are confronted with such circumstances as in the present case, where the case of the prosecution is supported with one voice by the closest relations of the unfortunate deceased wife, without any other intervening circumstance tilling in favor of the accused, the right of liberty of such persons should remain suspended till at least the recording of the statements of material witnesses. But at the same time the Trial Court must make a genuine effort to expeditiously record such evidence so that the right of cross-examination vesting in the accused for testing the veracity of such evidence is given a full play. Of course, nothing said above should be interpreted as an indication of the guilt of the petitioner. Such observations at such interim stages are made in order to see the prima fade nature of the case and nothing more. Still even the evidence of material witnesses has not been recorded. There is no ground for grant of bail at this stage. The petition is dismissed.