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Court : Delhi

Decided On : Mar-02-2012

Judge : V.K. Shali

Appeal No. : Bail Appl. No. 1626 Of 2011

Appellant : Ravinder Singh

Respondent : State

Judgement :

V.K. Shali, J.

Oral

1. This is an application for grant of anticipatory bail by the petitioner in respect of FIR No. 425/2010, under Section 498A/304B IPC, registered by P.S. Mehrauli, New Delhi.

2. Briefly stated the facts of the case are that on 24.09.2010 at about 2.00 AM an information vide DD No. 97B was received at P.S. Mehrauli from Duty Constable Satbir at Safdarjang Hospital that Smt. Meena Manpreet Kaur, W/o Ravinder aged around 21 years, R/o D-755, Chhattarpur Pahari, Mehrauli, Delhi was admitted by her husband at Safdarjang Hospital where after checkup the Doctor has declared her dead. This information was handed over to ASI Rajpal Singh who on enquiry found that the deceased Meena Manpreet Kaur was got married to Ravinder Singh

on 21.02.2008. Ms. Juhi Mukharjee, SDM (Hauz Khas) recorded the statement of Mahinder Singh and Smt. Paro Bai, parents of the deceased respectively. They levelled allegations against the father-in-law/Mohinder Singh, Mother-in-law/Banso and husband/Ravinder Singh for demand of dowry and subjecting the deceased to cruelty. On 24.09.2010, itself the post mortem of the deceased was got conducted at Safdarjung Hospital, which revealed that 'death was due to hemorrhage shock consequent upon 'uterine rupture', however, viscera has been preserved to rule out any poisoning/intoxication/medication. On 09.10.2010, the viscera was also sent to FLS, Rohini, Delhi and a reply has been received from the FLS, Rohini, Delhi that there was no chemical, microscopic and TLC examination metallic poisons, ethyl and methyl alcohol, cyanide, phosphates, alkaloids, bar bitrates, tranquilizers and pesticides could be detected in exhibits which were sent.

3. I have heard the learned counsel for the petitioner Mr. Manan, as well as the learned APP and have also gone through the record.

4. The main contention of Mr. Manan is that the petitioner's wife had gone for abortion two or three time in the past also and this time also the deceased had gone for abortion. The doctor had opined that death has been caused due to hemorrhage shock consequent upon uterine rupture which had been caused by introduction and manipulation of foreign object/instrument in the uterus. It was contended by him that Dr. Jatin Bodwal, in his report dated 10.03.2011 has observed that though the injury which is purported to have been suffered by the deceased was sufficient to cause death in the ordinary course of nature but in such cases generally, the cause of death is accidental. It has been contended that there are contradictory reports given by the Doctor, and therefore, the benefit at this stage ought to be given to the accused by enlarging him on bail. It is contended that the purpose of denial of bail is not to punish the accused, but the purpose is to see he attends to the trial, and thereof, there is no allegation against the petitioner that he will flee from the processes of law. It has been contended that he has roots in the society and will abide by all the terms and conditions which this Court may like to impose.

5. The learned APP has vehemently opposed the bail application.

6. It has been stated by the learned APP that the petitioner has not joined the investigation despite having been protected by this Court earlier. It has been also stated that it was not the simple case of miscarriage, it is a case where further investigation is required by the custodial interrogation of the petitioner, to find out as to what was the reason for the frequent miscarriage or abortion which being undertaken by the deceased. It has been contended, that there was a definite statement made by the parents of the prosecutrix making allegations of demand of dowry in the immediate proximity of the death, and therefore, this was a kind of modus operandi of abortion which was being used by the present petitioner to bring the life of the victim to an end.

7. The learned APP has also referred to the judgment of CBI Vs. Anil Sharma, (1997) 7 SCC 187 to contend that when a person is interrogated with the anticipatory bail order in his pocket, the result of the interrogation is more of a ritual or a formality rather than elucidating to arrive at the truth by investigating agency. It is therefore, stated that it is not a fit case for grant of anticipatory bail to the petitioner.

8. I have given my careful consideration to the entire facts. I agree with the contentions of the learned APP that the result of custodial interrogation is definitely elucidatory in nature unless and until custodial interrogation is done truth will not surface. It does not necessarily mean that a third degree measure would be used by the investigating agency to reveal the truth, but certainly when a person is in custody and does not have the order of protecting his liberty in his pocket, he is bound to cooperate with the investigating agency.

9. In the instant case, the life of a young lady has been lost and the investigating agency is not able to find out, as to why and what was the reason of the frequent abortion to which she was being subject to. Admittedly, the deceased was married to the petitioner against whom there are allegations of demand of dowry, therefore, I feel that this is a case in which truth will be revealed only if the police given free hand to interrogate the petitioner rather than protect the petitioner by an anticipatory bail order. I agree with the counsel for the petitioner, that there is no allegation against the petitioner that the petitioner will flee from the processes of

law, but that is only one of the consideration of releasing a person on bail and other consideration which is far more important is that the gravity of the offence and the seriousness of the allegations. On both these counts, I feel that the petitioner is not able to make out a case in as much as the allegations against the petitioner are very serious in nature, which may turned to be a case under Section 302/304B or 306 IPC so far as the death of the deceased is concerned. I, accordingly, do not consider it to be a fit case of extending the benefit of anticipatory bail to the petitioner.

10. Accordingly, the anticipatory bail application is rejected.

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