



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 03rd April, 2025
Pronounced on: 28th June, 2025

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CRL.M.C. 6641/2018

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Rohtash Singh

S/o Sh. Raj Singh

R/o House No.26,

Reda Chowk, Daryapur Kalan,

Delhi-110039

.....Petitioner

Through: Ms. Isha Baloni, Advocate

versus

1. **The State, NCT of Delhi**

2. **Smt. Laxmi**

W/o Sh. Rumel,

R/o House No.143, Darwaza Pana,

Mugheshpur, North-East, Delhi-110039

.....Respondents

Through: Mr. Utkarsh, Ld. APP for the State
 with Insp. Bijay Kumar P.S.
 Bawana.

Sr. Adv. Jatan Singh with
 Mr.Siddharth Singh, Mr. Tushar
 Lambaand Mrs. Vanshika Adhana,
 Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition for *Cancellation of bail under Section 439(2) read with Section 482 Cr.P.C* has been filed on behalf of the Petitioner against the



Order dated 20.12.2018 *vide* which the learned ASJ had granted Anticipatory Bail to Respondent No.2/Smt. Laxmi, mother-in-law of deceased Jyoti, in FIR No.449/2018 under Sections 498A/304B/34 IPC Police Station Bawana.

2. The *brief facts* are that Jyoti, aged about 27 years, got married to Sh. Sanju, son of Respondent No.2, on 25.06.2018, after which she went to reside in the matrimonial home. She was an educated lady holding a Master's degree in Social Work and a career woman associated with many reputed Organizations in the Social work field, like CRY, Spentex, India Vision Foundation. She was working with Delhi Commission for Women (DCW) as Rape Counsellor and was also preparing to appear in the upcoming examination for NTA/NET in December, 2018.

3. The Petitioner, father of the deceased, asserted that he had spent a huge amount in the marriage of his daughter. However, she was subjected to harassment on account of dowry demands in the short span of time that she lived in the matrimonial home. There were incessant demands of money at the time of marriage, aside from a demand of Baleno Car. The 32" LED TV which had been given at the time of marriage, was also sought to be changed for which the deceased was being harassed after the marriage. Further, a demand of Rs.10 lakhs was made, out of which Rs.4 lakhs were paid, but the demand for balance Rs.6 lakhs continued and Sanju, husband of the deceased, even threatened to sell the Baleno Car for recovery of money.

4. It is submitted that Jyoti died on 18.11.2018, due to hanging. The Petitioner and his wife made the statement before the SDM detailing the harassment and cruelty to which the deceased was subjected on account of



dowry demands by the in-laws, which resulted in the registration of FIR No.449/2018 under S.498A/304B/34 IPC.

5. It is submitted that on fateful day i.e. 18.11.2018, two phone calls were received from Sanju by the brother of the deceased, instead of calling the Police. By first phone call, the brother was informed about the deceased attempting to hang herself and by the second call, made within six minutes, it was informed that she has died. They all immediately rushed to the house of the Respondent, where they found her lying on the bed cover with a coloured *dupatta* belonging to mother-in-law. Sh. Sanju was questioned about bringing down the deceased from the fan by which she had been hanged, to which he explained that he had cut the *chunni* with scissors and brought her down. The Petitioner claimed that the *dupatta* which was covering the deceased, was not the same which was found wrapped around the fan.

6. It is further submitted that there were specific statements made by him and his daughters, detailing the dowry harassment and the demands made by the in-laws including the mother-in-law. Not only this, they had placed on record WhatsApp messages which corroborated the allegation of dowry harassment. Pertinently, the mobile phone of the deceased reflected no such messages implying thereby that the same had been deleted by Sanju.

7. It is submitted that most heinous offence of harassment on account of dowry which led to the death, had been committed by the Respondent No.2 and other family members of the husband of the deceased. However, the Bail has been granted within a month of registration of FIR without considering the due facts.



8. The *cancellation of Bail is sought on the ground* that there is overwhelming evidence by way of the statements of the family members as well as WhatsApp messages, to corroborate the cruelty and dowry harassment to which the deceased had been subjected, which has been completely overlooked and ignored by the learned ASJ.

9. It is further submitted that when the family members reached the house of Respondent No.2 after the incident, the body was absolutely rigid. The Post Mortem Report gave the cause of death as '*Asphyxia due to hanging*', but the *viscera* have been preserved for chemical analysis.

10. It is further submitted that while the husband and father-in-law of the deceased were arrested on 20.11.2018, the Respondent No.2 mother-in-law absconded and did not join the investigations. NBWs were issued against her and she in the interim, moved this Anticipatory Bail Application, which got allowed without considering the facts that she was avoiding to join the investigations.

11. It is submitted that the learned ASJ has not only ignored the gravity of the allegations, but his Order is based on conjectures and surmises. There is overwhelming evidence about the harassment and cruelty despite which the learned ASJ has observed that there was no cogent evidence in the statements of father or the sister made to the SDM, showing the dowry harassment or dowry demands, which is absolutely incorrect.

12. Further, it has been observed by the learned ASJ that it was a suicidal death on account of hanging, but this finding is also incorrect as the Complainant has specifically averred that it was a case of murder.



13. The learned ASJ also faltered in observing that her termination from service may have been the probable cause of her committing suicide. This again is not supported with any cogent evidence and is conjectural.

14. Furthermore, at the time of considering the facts for grant of Bail, a detailed analysis of the allegations have been done by the learned ASJ which is beyond the scope of consideration at the time of grant of Bail.

15. It is, therefore, submitted that grant of Anticipatory bail within a month of commission of an heinous offence of dowry death, was inappropriate and the Bail Order is liable to be recalled.

16. The **Status Report** has been filed on behalf of the State, wherein the details of the statements of father Shri Rohtash and sisters, Ranju and Akash, were recorded, who all gave the statement of dowry harassment and the cruelty to which the deceased was subjected.

17. The Post-Mortem Report reflected that the hanging is almost suicidal or accidental. It was also explained that though NBWs had been obtained against Respondent No.2 returnable on 20.12.2018, but she joined the investigations on 24.12.2018 and was formally arrested on that day and was admitted to Bail. The investigations regarding the role of Shalu, the sister of the husband was still in progress, whereas the Chargesheet under Section 498A/304B/34 IPC was being submitted against Ruhel Singh, Sanju and Laxmi Devi, before the Trial Court.

18. The **Respondent No.2 Smt. Laxmi in her Reply** submitted that she was granted Anticipatory Bail vide Order dated 20.12.2018 on the terms and conditions of making her mobile number available to the I.O and not to leave Delhi. All the conditions that were imposed while granting



Bail, have been scrupulously adhered to by her and she has fully cooperated during the investigations.

19. It is further submitted that the learned ASJ in its Order dated 08.12.2018, had clarified that the observations made while granting bail, shall not be relied upon as a final conclusion for any purpose whatsoever. Therefore, the apprehension of the Petitioner that there is a pre-judgment of the guilt/innocence of the Respondent, is highly misconceived and motivated and is liable to be rejected.

20. It is further submitted that there are no cogent circumstances warranting the recall of the Bail granted to Respondent No.2. The Order does not suffer from any perversity and is made in accordance with law.

21. A reference has been made to the judgment of the Supreme Court in the case of Dolat Ram vs. State of Haryana wherein it was observed that for cancellation of a Bail, cogent and overwhelming circumstances must be present which may be interference or an attempt to evade the administrative justice or abuse of the concession granted to the accused in any manner. The possibility of the accused absconding can be another reason. However, once the Bail is granted it should not be cancelled in a mechanical manner without considering the supervening circumstances.

22. It has been further submitted that the deceased was suffering from Seizure/Fits and was under medical treatment at Saroj Super Speciality Hospital. She had fallen from a bike on 23.03.2016 and was admitted in Saroj Super Speciality Hospital from where she was discharged on 31.03.2016. She was prescribed *Oleanz 2.5 mg along with other medicines, which is a Potent anti Psychotic drug prescribed for Schizophrenia Bipolar Mania, Depression and Agitation.*



23. On merits, all the averments made in the Petition are denied. It is further stated that the relationship between the deceased and her husband were cordial and she was being regularly taken to the Hospital for her treatment.

24. In the end, it is submitted that no custodial interrogation of the Respondent No.2 is required as she has already joined investigations. The *Istridhan* articles have already been returned to the Petitioner, which has been acknowledged by him. The Petition is, therefore, without merit and is liable to be dismissed.

25. **Submissions heard and the written submissions perused.**

26. At the outset, it must be pointed out that it is not a case for Cancellation of Bail on account of supervening circumstances and there is no allegation of any of the terms of the Bail having been violated. Therefore, the factors on which recall of Anticipatory Bail Order is sought, need to be considered to ascertain if it is a case where the grant of Anticipatory Bail is liable to be recalled. In fact, the Petitioner is aggrieved by the grant of Bail in the first instance on the grounds that the Anticipatory Bail has been granted within a one month of registration of the FIR; the gravity of the offence and that the Respondent No.2 had absconded and had not joined the investigations for which NBWs were issued against her.

27. It is an unfortunate case of demise of a young girl aged about 27 years, on account of hanging within six months of her marriage. She, as stated by the Petitioner, was an educated qualified woman who was still working for her career progression, but the fate had something else in store for her and the circumstances led to her demise, on 18.11.2018.



28. The Respondent No.2 and the in-laws have suggested that deceased had a medical condition for which she was under treatment and that she was unhappy as her service got terminated. On the other hand, the family members of the deceased were asserting that it was a case of murder on account of the dowry harassment and torture. Whatever be the allegations of the Complainant and family members is the subject matter of trial and no observations can be given as to whether the demise was suicidal or a case of murder, at the time of consideration of Bail.

29. The learned ASJ in his subsequent Order dated 28.12.2018 has already clarified that the observations made in this regard are not conclusive findings on the merits of the case.

30. It is quite evident that the background circumstances had only be referred by the learned ASJ to ascertain the gravity of the offence and was in no way a finding on merits about the commission of the offence. When it was stated that the death was by way of suicide, it was essentially on the basis of Post-Mortem Report and was not a conclusive finding.

31. In so far as the Respondent No.2 absconding and not joining the investigations is concerned, it has come on record that she had joined the investigations after Anticipatory Bail was granted and had cooperated during the investigations. It cannot be overlooked that the Respondent No.2, was a 50 year old lady suffering from cardiac disease.

32. Considering the totality of the circumstances, the grant of Bail to Respondent No.2, cannot be considered as unjust or arbitrary.

33. It cannot be overlooked that it was an Anticipatory Bail Order given in 2018, since when the Chargesheet has already been filed. There is not a whisper about the Respondent No.2 having misused her liberty or in



any way mis-conducted herself, which would justify the recall of the Bail Order.

34. There is no merit in the present Petition, which is hereby dismissed. Pending Applications, if any, are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

JUNE 28, 2025

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