

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-15856 of 2015

Date of decision : July 28, 2015

Sunita Missar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ankur Mittal, Advocate, for the petitioner
Ms. Harpreet Kaur Athwal, DAG, Punjab
Mr. PS Ahluwalia, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Sunita Missar in this regular bail application under section 439 Cr.P.C. are that deceased Kritika Missar wife of co-accused non-applicant Surinder Kumar who was married in the year 2006 developed matrimonial dispute. The allegations of the complainant-father Raj Kumar Sharma are that the accused in-laws of the husband used to harass their daughter for bringing insufficient dowry and for getting money. It was on 21.7.2013 through telephonic call the deceased has talked to the family highlighting her plight and it is alleged that deceased who was four months pregnant was beaten by the accused on 21.7.2013 and assaulted the deceased leading to her death at DMC Hospital.

It is vehemently argued by counsel for the petitioner that cause

of death is due to incomplete abortion as a result of septicemia. Thus, in the absence of any specific role to the petitioner who is aged more than 61 years and is in custody since 16.11.2014 needs to be sympathetically dealt with.

The prayer is opposed by the State taking the plea that the matter is fixed for prosecution evidence and there are serious allegations and connivance with her co-accused. It is vehemently contended that the petitioner has intentionally evaded her arrest which has resulted much delay in the trial court and that it was a clear-cut case of intentionally causing injury leading to this death for which charges of murder ought to have been framed under section 304 Part-II IPC. The prima facie allegations on the record as well as the allegations against the petitioner and acts attributed to her, on the face of these allegations does not call for grant of bail. Finding no merit, the bail petition is dismissed.

July 28, 2015
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(Fateh Deep Singh)
Judge