

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-8340 of 2015

Date of decision : 27.04.2015

Jasmel Kaur alias Jasmal Kaur and another

..... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Dharam Chand Mittal, Advocate for petitioners.

Mr. Jashanpreet Singh, Assistant Advocate General
for respondent-State of Punjab.

DARSHAN SINGH, J.

This petition has been filed by petitioners Jasmel Kaur alias Jasmal Kaur and Bhagwan Singh for grant of regular bail in case FIR No.50 dated 05.07.2014 under Section 304-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar, Budhalada.

As per the prosecution allegations, Amardeep Kaur, aged 19 years was married to Bikker Singh, the son of the petitioners. She was

tortured and harassed for the demand of motorcycle. She was also alleged to be of bad character and she sat herself ablaze on 04.07.2014. On the statement of Gurmeet Singh, the father of the deceased, the present case has been registered. Petitioners were arrested in this case on 27.08.2014. Since then, they are in custody. Hence, this petition.

Learned counsel for the petitioners contended that the petitioners are the parents-in-laws of the deceased. It was a dowry-less marriage. So, there is no question of any demand of motorcycle. Moreover, how the present petitioners, who are the old persons aged about 60 years, can be beneficiary of the said demand. All other allegations are against the husband of the deceased. He further contended that in fact the deceased was having affair with some other boy and was not willing to marry the son of the petitioners. The petitioners are in custody for the last eight months. The conclusion of the trial will take time. So, they deserve the concession of bail.

On the other hand, learned State counsel pleaded that the deceased has died due to burn injuries within three months of the marriage, which shows that she was tortured and harassed by the petitioners and their son for the demand of dowry. Her character was also assassinated. So, the petitioners are not entitled for grant of bail.

The aforesaid contentions have been duly considered.

Admittedly, petitioner Jasmel Kaur alias Jasmail Kaur was the mother-in-law and petitioner Bhagwan Singh was the father-in-law of deceased Amardeep Kaur. Even as per the averments in the FIR, the

marriage was performed at Dera Malikpuri, Bachhuana with the blessing of the Baba Ji and it was a dowry-less marriage. It is quite debatable as to how the petitioners shall be the beneficiary of the demand of the motorcycle . The allegation regarding physical torture of the deceased is against Bikker Singh, the husband of the deceased.

The petitioners were arrested in this case on 27.08.2014. This fact is not disputed that the case has already been committed to the Court of Sessions for trial after completion of the investigation and committal proceedings. The conclusion of the trial will take time. The petitioners are already in custody for the last eight months. Their further detention will not serve any purpose, as it is settled principle of law that the bail should not be refused as a measure of punishment.

Thus, keeping in view my aforesaid discussion, the present petition is hereby allowed. Petitioners Jasmel Kaur alias Jasmail Kaur and Bhagwan Singh are ordered to be released on bail on furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate, Mansa.

27.04.2015*sunil yadav***(DARSHAN SINGH)
JUDGE**