

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

CRM-M-1492-2017 (O&M)
Date of decision : 12.10.2017

Lakhwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by ASI Jaswinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.233 dated 25.12.2016, registered under Section 304-B of the Indian Penal Code, at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

Learned counsel contends that the petitioner is the sister-in-law (*jethani*) of the deceased. The deceased was suffering from cancer from last six months. She has joined the investigation in pursuance of the orders passed by this Court. The co-accused/husband of the deceased is already in custody.

On the other hand, learned State counsel, on instructions, informs that though the petitioner has joined the investigation, but the recovery of dowry articles and Rupees six lakh is yet to be effected.

Heard.

On 19.01.2017, the following order was passed:-

“Learned counsel for the petitioner has placed on

record medical opinion issued by PGIMS, Chandigarh, which shows that deceased was suffering from cancer from last 6 months. The allegation in the FIR against the petitioner is that after the marriage on 28.01.2016, the complainant was being harassed on account of bringing less dowry and it has also been stated that false information was given by the husband of the deceased that she was suffering from cancer. As per Annexure P-2, the assertion is liable to be rejected.

Notice of motion for 23.02.2017.

In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.

- 1. Petitioner shall make herself available for interrogation by a police officer as and when required;*
- 2. 2. Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;*
- 3. Petitioner shall not leave India without the previous permission of the Court;*
- 4. Such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”*

Considering the facts that the death took place in the parental home of the deceased, the co-accused/husband is already in custody, the petitioner is the sister-in-law of the deceased and she has joined the investigation in terms of the orders passed by this Court, without expressing

any opinion on the merits of the case, the interim bail granted by this Court vide order dated 19.01.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

12.10.2017

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No