

**Criminal Misc. M- No. 39343 of 2016 (O&M)**

Date of decision : April 27, 2017

Kusum

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. S.S. Behl, Advocate  
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Anil Kumar Bhardwaj, Advocate  
for the complainant.

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**LISA GILL, J.**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 43 dated 31.05.2016 registered under Section 306 IPC and Section 304-B IPC added later at Police Station Daresi, Ludhiana.

It is contended that the petitioner's son was married to the complainant's daughter in the year 2013. The unfortunate incident took place on 26.05.2016. The complainant and his wife were immediately called when the petitioner's daughter-in-law took unwell. It is to be noted that the complainant and his wife live not more than one kilometre from the petitioner's home. The complainant and his wife reached the petitioner's home. They found that their daughter was lying unconscious. She was taken to Dayanand Medical College and Hospital, Ludhiana where she was

declared dead. The petitioner's daughter-in-law was cremated on the next day. The complainant suffered a statement on 27.05.2016 wherein no allegations were raised against anyone. It is stated that the deceased used to fast on Thursday, Friday and Monday. The day of occurrence was a Thursday. No complaint was lodged from the date of marriage in the year 2013 till her unfortunate demise in 2016. Four (04) days after the occurrence, the above said FIR was lodged. Reference was made to a Facebook post alleged to have been updated one hour before the occurrence in question. It is submitted that the said Facebook post does not contain any reference to the present petitioner. Allegations, if any, are solely against the husband of the deceased, who has been granted the concession of bail pending trial. As per the medical certificate (Annexure P-3), the cause of death is opined to be cardio respiratory arrest.

It is submitted that the authorities in an illegal manner declared the petitioner to be proclaimed offender on 05.11.2016 i.e. after the filing of the present petition on 03.11.2016. Moreover, the said order dated 05.11.2016 has been set aside by this Court by a separate order of even date passed in CRM-M No. 13678 of 2017. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has vehemently opposed this petition. It is, however, not denied that at the initial stage the complainant suffered a statement on 27.05.2016 (Annexure P-2) wherein no allegations were raised against the petitioner or her son. It is contended that on subsequent inquiries it came to light that their daughter was being harassed and taunted for bringing less dowry. However, the medical certificate (Annexure P-3) issued by the Dayanand Medical College and

Hospital, Ludhiana, wherein the cause of death is cardio respiratory arrest, is not denied. Though it is submitted that the FSL report, in this case, is still awaited, therefore, the cause of death cannot be concluded to be cardio respiratory arrest at this stage. The deceased may have been poisoned due to which she suffered the attack.

Learned counsel for the State, on instructions from ASI Des Raj, affirms that the petitioner has joined investigation. There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 07.11.2016 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

April 27, 2017  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No