

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

CRM-M-23854-2017 (O&M)

Date of decision : 16.04.2018

Jaswinder Kaur and another

...Petitioners

Vs.

State of Punjab

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR.

Present: Mr. S.S.Sidhu, Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl.A.G., Punjab.

Mr. D.N. Ganeriwala, Advocate
for the complainant.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners who are summoned under Section 319 Cr.P.C. as an additional accused to face trial under Section 304-B IPC in FIR No. 57 dated 06.05.2016 registered at Police Station Nehianwala.

2. In brief, the facts are that a marriage was solemnized between son of the petitioner Sandeep Singh and Karamjit Kaur sister of the complainant Gurcharan Singh. An FIR came to be registered against Sandeep Singh, Jagsir Singh and Jaswinder Kaur on a statement made that his sister Karamjit Kaur who has married to Sandeep Singh, about one and half year back had been given enough dowry at the time of her marriage, but in-laws were not happy with the dowry given and there was a demand for a car. On account of harassment and torture for not bringing a Swift car, the sister of the complainant committed suicide by hanging herself in her in-laws house. After the

registration of the case, the matter was investigated and in the inquiry it was found that all three should be summoned to face trial. Thereafter, an application was made by Mandeep Kaur the daughter of the petitioners for fair and impartial investigation. On the said application, SIT was constituted headed by SSP, Bathinda and detailed enquiry was got conducted. The matter was investigated and the Special Investigating Team (SIT) reached the conclusion that the petitioners Jaswinder Kaur and Jagsir Singh were innocent and the challan was put up against Sandeep Singh alone.

3. During the trial, statement of Gurcharan Singh-complainant was recorded in which it was reiterated that there was a specific demand for Swift Car by the in-laws, while further submitting that the sister of the complainant was harassed on account of inadequate dowry and on not meeting the demand of Swift Car. On account of specific allegations made, an application under Section 319 Cr.P.C was filed seeking to summon the petitioners herein as additional accused to face trial. It is, thereafter, that the petitioners approached for grant of anticipatory bail before the Sessions Court which was declined.

4. Learned counsel appearing on behalf of the petitioners contends that the detailed investigations has been held by the SIT in which they have been found to be innocent and, therefore, no useful purpose would be served in case, they are arrested. It is further contended that they have furnished bail bonds, joined the proceedings and are facing trial. It is also argued that the demand of swift car, if any, could be attributed to their son and not them.

5. Mr. D.N. Ganeriwala, Learned counsel appearing on behalf of complainant and Mr. A.S. Sandhu, Additional Advocate General for State submits that the petitioners herein were specifically named in the FIR as persons who were demanding a Swift Car and, therefore, it is on account of the torture and harassment meted out to the deceased that she had committed

suicide and, therefore, they have rightly been served to face trial. It is also argued that the petitioners have been evading arrest and therefore would not be entitled to grant of anticipatory bail.

6. I have heard learned counsel for the parties and have also perused the pleadings of the case.

7. Admittedly, the petitioners herein are father-in-law and mother-in-law of the deceased Karamjit Kaur who had died in her matrimonial home. The investigation in this matter has been concluded and initially, the petitioners herein had been found guilty and were to be summoned to face trial. However, second enquiry was constituted (which enquiry has been challenged in separate proceedings). It is, thereafter, that the petitioners herein were found to be innocent for the reason that there was insufficient material available on the record to substantiate the claim of harassment and torture. Petitioners were kept in column no 2 in the challan presented.

8. It is only in proceedings initiated under Section 319 Cr.P.C. that petitioners have been summoned as an additional accused. The argument raised that custodial interrogation is required is not sustainable on account of the fact that the investigation in the matter is complete and challan has been presented and charges have been framed. The purpose of interrogation is to collect evidence which has already been collected. The petitioners herein have submitted their bail bonds and are facing trial. The main accused husband-Sandeep Singh is in custody and, therefore, the Court finds that no useful purpose would be served in denying anticipatory bail to the petitioners.

9. In view of the above, the present petition is allowed subject to the condition that the petitioners herein will deposit their passport with the trial court within a period of two weeks and will abide by the conditions imposed

upon them by the trial court. In case, it is found that the petitioners herein are influencing the witnesses in any manner, liberty is granted to the respondent/complainant/State to approach this Court for cancellation of the bail.

16.04.2018

Harish Kumar

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No