

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-26001-2018

Parminder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent
2.

CRM-M-17334-2018

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent
3.

CRM-M-18991-2018

Balwinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent
4.

CRM-M-23263-2018

Arwinder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

Date of decision :-20.8.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Kawaljyot Singh, Advocate
for the petitioners.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Balbir Singh Jaswal, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order, I shall dispose of four petitions for grant of pre-arrest bail i.e. **CRM-M-26001-2018** filed by petitioner Parminder Kaur, **CRM-M-17334-2018** filed by petitioner Gurwinder Singh, **CRM-M-18991-2018** filed by petitioner Balwinder Kaur and **CRM-M-23263-2018** filed by petitioners Arwinder Singh and Kulwinder Kaur, all of them being accused in FIR No.57 dated 24.3.2018, under Section 304-B IPC, registered at Police Station Shahkot, District Jalandhar.

Briefly stated, the criminal machinery in this case was set into motion by complainant – Amrik Singh son of Gurdayal Singh, resident of village Ghehledra, Model Police Station, Shahkot, District Jalandhar, aged about 44 years, who in his statement to the police stated that one of her

niece namely Jaspreet Kaur was married with Hardeep Singh son of Dilbagh Singh, resident of Punia, Police Station Shahkot on 7.3.2014; that the couple was blessed with a daughter named Jasmail Kaur, then aged about two years; that Hardeep Singh had gone to Dubai after two months of the marriage and he used to visit his house in India off and on. According to the complainant Jaspreet Kaur used to tell him that her mother-in-law and her husband had been raising dispute with her off and on, not allowing her to make phone calls besides taunting her that their demands of dowry had not been fulfilled. According to the complainant, he used to counsel Jaspreet Kaur to make adjustment in the matrimonial home. According to the complainant Jaspreet Kaur also used to tell him that her three sisters-in-law come to the matrimonial home, interfere in their domestic affairs and give beatings to her. According to the complainant, his nephew Simrandeep Singh stayed with Jaspreet Kaur for one month at village Punia to learn some skills; that on 23.3.2018 at about 2:00 p.m. when the complainant along with his nephews Harmandeep Singh and Atinderjeet Singh had gone to the house of Jaspreet Kaur to give invitation of *BHOG*, at that time Paramjeet Kaur, mother-in-law, Balwinder Kaur wife of Gurwinder Singh, resident of Nakodar, Parminder Kaur wife of Harbhajan Singh, resident of Tallan, Kulwinder Kaur wife of not known, resident of Phillaur and Arshdeep Singh son of Harbhajan Singh, resident of Tallan were present; that Jaspreet Kaur was vomiting; that he asked members of her in-laws family to get her medicine but they did not do so saying that she was doing tantrums, then the complainant and his nephews hired a vehicle from the village and were about to shift Jaspreet Kaur in the car, then mother-in-law

of Jaspreet Kaur and her two sons-in-law, one of being Gurwinder Singh, resident of Nakodar and other husband of Kulwinder Kaur stopped them stating that she should not be taken to the hospital; that despite that they brought her to Civil Hospital, Shahkot, where the doctor referred her to Civil Hospital, Jalandhar; that the in-laws family of Jaspreet Kaur was intending to forcibly take her to Kamal Hospital, Nakodar, however, the driver of the vehicle i.e. Ambulance took Jaspreet Kaur to Civil Hospital, Nakodar, where she was got admitted for treatment; that at Civil Hospital, Nakodar aforesaid members of in-laws family of Jaspreet Kaur quarrelled with the complainant side and abused them, then they returned from Civil Hospital, Nakodar; that later on the in-laws family of Jaspreet Kaur took her to Kamal Hospital, Nakodar where due to lack of treatment, she died. The complainant stated that Parminder Kaur, Balwinder Kaur, Kulwinder Kaur and their husbands after conniving with each other had killed his niece by putting some poisonous substance in her mouth forcibly on account of non-fulfilment of demand of dowry and legal action be taken. After registration of the FIR, the matter was investigated.

Apprehending their arrests in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Jalandhar. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondent, who put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Petitioner Balwinder Kaur aged about 37 years is married sister-in-law and Gurwinder Singh, aged about 41 years is her husband, both having their residence at Nakodar, where they are living with three minor children namely Harkirat Singh aged about 10 years, Gurpreet Singh aged about 8 years and Manpreet Kaur aged about 7 years. Similarly, Parminder Kaur is the other married sister-in-law of Jaspreet Kaur, who is aged about 39 years, having matrimonial home at VPO Talhan, Tehsil Phillaur residing along with her husband Harbhajan Singh and two minor children i.e. Arshpreet Singh @ Arshdeep Singh, aged about 16 years and Manjot Singh aged about 7 years. Kulwinder Kaur, an other sister-in-law of Jaspreet Kaur aged about 33 years are residing along with her husband Arwinder Singh in her matrimonial home at VPO Malikpur, Tehsil Phagwara, District Kapurthala. It is highly unlikely that such petitioners would interfere in the marital affairs of Jaspreet Kaur going far away from their matrimonial home to the matrimonial home of deceased at village Punia, Police Station Shahkot. Their harassment of the deceased in connection with demand of dowry also does not appear to be very plausible and convincing so are the allegations of their putting poisonous substance in the mouth of the deceased.

As regards taking of Jaspreet Kaur to a private hospital after she had consumed poison, the contention of learned counsel for the petitioners that it was to get better medical facilities cannot be brushed aside in a light manner. All the petitioners are said to have joined the

investigation. As per the inquiry report by Inspector before Police Shahkot dated 25.4.2018, copy of which has been placed on file by the State counsel, Arwinder Singh, his wife Kulwinder Kaur, Gurwinder Singh, his wife Balwinder Kaur, Parminder Kaur wife of Harbhajan Singh, Arshdeep Singh son of Harbhajan Singh were not found to be involved in the incident and were declared to be innocent. Whereas involvement of Hardeep Singh, husband of Jaspreet Kaur and Paramjeet Kaur mother-in-law of the deceased was found to be there.

Therefore, the custodial interrogation of the petitioners is not found to be necessary. Therefore, the interim bail granted to petitioner Parminder Kaur vide order dated 14.6.2018, to petitioner Gurwinder Singh vide order dated 26.4.2018, to petitioner Balwinder Kaur vide order dated 4.5.2018 and to petitioners Arwinder Singh and Kulwinder Kaur vide order dated 29.5.2018 are made absolute subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petitions stand allowed accordingly.

(H.S. MADAAN)
JUDGE

20.8.2018
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**