

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

CRM-M-26282-2018

Date of decision:-9.8.2018

Avinash Kaur

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. H.S. Batth, Advocate  
for the petitioner.

Mr.Dhruv Dayal, Sr.D.A.G., Punjab.

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**H.S. MADAAN, J. (Oral)**

This petition has been filed for the grant of regular bail to the petitioner – Avinash Kaur, an accused in FIR No.90 dated 14.4.2018, under Sections 304-B, 34 IPC, registered at Police Station Sadar, Phagwara, District Kapurthala.

Briefly stated, the facts of the case as per prosecution version are that the complainant - Baljit Kaur wife of Narinder Singh, resident of Mohalla Sufi, Railway Road, Nakodar, District Jalandhar had made a statement to the police stating therein that on 17.1.2018, she had performed marriage of her daughter Inderjit Kaur at Suraj Palace, Nakodar, however, after some days of the marriage, in-laws family of Inderjit Kaur, which included her husband Harjinder Singh, father-in-law Harbhajan Singh, mother-in-law Jaswinder Kaur, elder sister-in-law – Avinash Kaur (present petitioner) and younger sister-in-law Harpreet

Kaur started harassing her raising demand of more dowry articles, as such Inderjit Kaur became upset; that she (Inderjit Kaur) had submitted an application to DSP, Nakodar, however, the matter was compromised on 8.3.2018 and Inderjit Kaur returned to her matrimonial home but her harassment and maltreatment continued; that on 14.4.2018 at about 8:00 a.m., Harbhajan Singh, father-in-law of Inderjit Kaur telephonically informed that Inderjit Kaur had got an attack, then it transpired that she had died due to harassment by her in-laws family.

On the basis of such statement, formal FIR was recorded. Thereafter, investigation in the case began. The petitioner was arrested in this case on 14.4.2018. She had moved an application for regular bail but the same was declined by Additional Sessions Judge, Kapurthala vide order dated 31.5.2018, as such, she has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is a married sister-in-law of the deceased, whose marriage was solemnized on 28.6.2008 with Sh.Jagdeep Singh, resident of village Darapur, Tehsil Phillaur, District Jalandhar; that husband of the petitioner was residing in UAE at the time of marriage; that the petitioner is having four minor children; that she has been residing at her matrimonial home earlier, subsequently, she shifted to UAE along with her children, where

they had been residing with Jagdeep Singh; that the petitioner had come to India along with her two minor children on 1.1.2018 for treatment of her back pain; that no specific allegations of harassment or demand of dowry are there against the petitioner, as such, she be granted concession of regular bail.

Whereas the request is being opposed by the State counsel submitting that there are specific allegations against the petitioner of maltreating and harassing the deceased and raising demand of dowry from her; that the deceased had died within less than 3 months of her marriage, as such, keeping in view the gravity of offence, the petitioner may not be granted concession of regular bail.

After hearing the rival contentions of learned counsel for the parties, I find that though it is very unfortunate that a young married girl had lost her life within less than three months of her marriage but at the same time it has to be kept in view that petitioner is married elder sister-in-law of the deceased, who got married about 9 years prior to the marriage of deceased with Harjinder Singh. The petitioner and her husband are said to have four minor children. It is somewhat difficult to believe that a married sister-in-law having her own family and matrimonial home at a distant place would unnecessarily interfere in the marital life of her brother and raise demand of dowry from his wife. Nevertheless, the challan is said to have been filed against all the accused including the petitioner in this case, though it is stated that trial is at its initial stage. The conclusion of the trial is likely to take some time. The guilt of the petitioner shall be determined during trial.

Keeping in view the facts and circumstances of the case including the fact that the petitioner is having four minor children, I find it proper and appropriate if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Kapurthala, subject to the following conditions:

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses;
- (iii) she shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

This petition stands allowed accordingly.

9.8.2018  
Brij

**(H.S. MADAAN)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No