

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

**CRM No. M-41791 of 2018
DATE OF DECISION : 11.10.2018**

Manpreet Singh and another

...Petitioners

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Onkar Singh Batalvi, Advocate,
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Ashit Malik, Advocate,
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose of anticipatory bail application under Section 438 Cr.P.C of the petitioners filed in this case bearing FIR No.225 dated 31.08.2018 under Section 304-B IPC registered at Police Station City Kharar, District SAS Nagar, Mohali.

Brief allegations brought to the notice of this Court on behalf of the State are that marriage between the deceased-Dharamjit Kaur and Rupinder Pal Singh @ Vicky took place on 26.05.2013 and during the course of their life, a matrimonial dispute had arisen between the couple. The allegations levelled

by the complainant-Swaranjit Kaur/sister of the deceased are that at the marriage of deceased, four married sisters of the deceased due to their parents having died, contributed in the marriage ensuring that sufficient dowry articles were given as per wishes and demands of the accused side. However, the accused comprising of mother-in-law Harbhajan Kaur, brother-in-law (devar) Gurpreet Singh @ Dicky and husband-Rupinder Pal Singh @ Vicky, were not happy with the marriage and they, along with the present petitioners namely Sarabjeet Kaur, being sister of husband of the deceased and her husband Manpreet Singh, had been demanding more dowry and harassing the deceased, as a consequence of which, their ancestral house was sold off and had given a cheque of ₹1,00,000/- to the deceased but they were not happy with it and on 30.08.2018, the accused poured kerosene oil and set her on fire leading to her death. The same led to registration of present FIR.

Learned counsel for the petitioner has submitted that the petitioners, who are sister-in-law and brother-in-law of the deceased, have been married way back in the year 2007 and were living separately and had severed odd relations, whatsoever, with the co-accused and neither any specific role has been attributed to them, nor they were supposed to gain anything out of the alleged demand of dowry and nothing is to be recovered from them.

On behalf of the State counsel, assisted by learned counsel for the complainant, the bail application is stoutly opposed on the ground that in view of the seriousness of the allegations and heinousness of the offence, no cause for grant of anticipatory bail is made out and thus, sought its dismissal.

Appreciating the submissions of both the sides and bare perusal of the FIR does not attribute any specific role either in the demand of dowry, harassment cruelty or in the commission of alleged incident by the petitioners. Admittedly, the petitioners are married since the year 2007 and living separately. In the light of the fact that it has come to the notice of the Court that such like machinations are being brought about for motivated cause to rope in each and every member of the family and the Courts have to be weary of such machinations. Since there is total lack of allegations and attribution against the petitioners, sending them behind the bars would be travesty of justice.

In the light of above said discussion, the present petition is allowed. In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of Arresting/ Investigating Officer till submission of report under Section 173 Cr.P.C (challan). The petitioners shall, however, join investigation, as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, the petitioners will be permitted to furnish regular bail bonds to the

satisfaction of trial Court.

The petition is disposed of accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

(FATEH DEEP SINGH)
JUDGE

OCTOBER 11, 2018
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Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO