

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

**Criminal Misc. No. M-43802 of 2018**  
**Date of decision : October 11, 2018**

Harpreet Kaur

....Petitioner

versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. Harchand Singh Batth, Advocate, for the petitioner

Mr. Dhruv Dyal, Sr. DAG, Punjab for the State

**Fateh Deep Singh, J. (Oral)**

This order shall dispose of first regular bail application under Section 439 Cr.P.C. of accused-petitioner Harpreet Kaur in a case FIR No. 90 dated 14.4.2018 under Sections 304-B, 34 IPC, registered at Police Station Sadar Phagwara, District Kapurthala.

The brief allegations of the prosecution are to the effect that a marriage took place between Inderjit Kaur deceased with Harjinder Singh on 17.1.2018 and that a complaint was filed by the deceased before the police which resulted in Compromise between the parties. It was on 14.4.2018, the deceased is alleged to have died because of asphyxia as there were allegations against the family

of the in-laws for harassment of the deceased on account of demand of dowry. Petitioner Harpreet Kaur happens to be unmarried sister of the husband of the deceased who is in custody since 14.4.2018.

Mr. Harchand Singh Batth, counsel for the petitioner contends that in the very first complaint dated 7.3.2018, no allegation has come about against the petitioner and that even a bare perusal of the FIR does not attribute any specific role to her and all the allegations are general in nature and that co-accused Avinash Kaur another sister-in-law of the deceased has been allowed bail by this Court vide orders dated 9.8.2018 passed in CRM-M-26282-2018, Annexure P/3 and case of the petitioner is not distinguishable from that of the co-accused.

On behalf of State, learned State counsel assisted by ASI Gurpreet Singh, Police Station Sadar Phagwara, District Kapurthala has opposed the grant of bail on the grounds that within few months of the marriage, the deceased has died under suspicious circumstances and there are allegations of demand of dowry against the in-laws family and in view of the heinousness of the crime and seriousness of the allegation, dis-entitles her any relief.

Heard.

Going through the submissions of the two sides, the petitioner admittedly is a young unmarried sister of the husband of

the deceased and that in the earlier complaint dated 7.3.2018, no allegations have come about against the petitioner and that only general accusations have come about therein. Even in the present FIR, a bare perusal of the same reflects that there are only vague and ambiguous allegations against the petitioner for causing harassment and no specific role is attributed to the petitioner in the commission of the offence. The petitioner is behind the bars since 14.4.2018 and similarly placed co-accused, real sister of the petitioner has been allowed bail vide Annexure P/3 and therefore, even by principle of parity together with the fact that the trial is not likely to be concluded in near future and she is not the beneficiary of these demands and the culpability, if any, shall be determined at the time of trial, no purpose will be served by retaining the petitioner in custody. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

The present petition stands disposed off 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**

**'tiwana'**

*Whether speaking/reasoned ?*

*Yes/No*

*Whether Reportable ?*

*Yes/No*