

CRM-M-21168-2019

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

**CRM-M-21168-2019.
Decided on: May 22, 2019.**

Gurmit Kaur

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA
* * ***

**PRESENT Mr.A.S.Manaise, Advocate,
for the petitioner.**

Mr.Jagmohan Ghumman, DAG, Punjab..

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.73 dated 19.6.2018, registered under Sections 304-B, 316 read with Section 34 of IPC, at Police Station Sadar, Gurdaspur, District Gurdaspur.

The aforesaid case was registered on the statement of Gurwant Singh, brother of deceased Mandeep Kaur, who was married with Simranjit Singh on 22.10.2017 and has died on 19.6.2018.

In the FIR, there are allegations that sufficient dowry was given which includes one Pulsar Motorcycle, Washing Machine, Fridge and Gold ornaments etc. at the time of marriage but immediately about 15 – 20

days of marriage, the husband of deceased Simranjit Singh, father-in-law, Iqbal Singh and the present petitioner Gurmit Kaur who is mother-in-law as well as sister-in-law Kulwinder Kaur @ Ruby, started harassing deceased Mandeep Kaur, so as to bring more dowry. Parents of deceased have given Pulsar Motorcycle not Bullet Motorcycle. She is not beautiful. All used to give beatings to the deceased and on 19.6.2018, the complainant received a telephonic call from father-in-law of her sister Mandeep Kaur, who asked to take Mandeep Kaur to their home. On receipt of telephonic call from Iqbal Singh, the complainant Gurwant Singh reached village Sadhu Chak and found the dead body of Mandeep Kaur lying on the cot.

Counsel for the petitioner has argued that in the investigation, the police has found Kulwinder Kaur innocent, though now prosecution has filed an application under Section 319 Cr.P.C. seeking summoning of Kulwinder Kaur as additional accused which has been allowed.

The petitioner who is aged about 58 years, is in custody since 19.6.2018. The father-in-law of the deceased (husband of the petitioner) is already on bail. The trial will take sufficient long time. At the most, the allegation against the accused is that instead of Pulsar Motorcycle, there was demand of a Bullet Motorcycle. The price difference between Pulsar and Bullet Motorcycle is not substantial enough.

State counsel, on instructions from ASI Partap Singh, has argued that deceased Mandeep Kaur was got married on 22.10.2017 and she died on 19.6.2018, i.e. within 8 months of her marriage and therefore, the

CRM-M-21168-2019

allegations against the petitioner are serious. However, he does not dispute the fact that on the basis of application under Section 319 Cr.P.C., Kulwinder Kaur has also been summoned to face trial and husband of the petitioner is on bail.

I have heard the learned counsel for the parties.

No doubt the deceased had died on 19.6.2018 i.e. within 8 months of her marriage but as per the FIR, the allegation is demand of Bullet Motorcycle instead of Pulsar Motorcycle. Even if it is presumed that there was demand for Bullet Motorcycle, the petitioner was not likely to be benefitted as the motorcycle was to be used by the husband of deceased.

The petitioner being a woman and 58 years of age and further noticing the fact that the trial will take sufficient long time as no prosecution witness has been examined in the case, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

May 22, 2019.
raj arora

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No