

208.

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

CRM-M-47411-2018

Date of decision:10.04.2019

MANJIT KAUR

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amandeep Chhabra, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr. P.S. Dhaliwal, Advocate,
for the complainant.

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.41 dated 30.04.2018 registered under Sections 304-B/34 of IPC at Police Station Kot Bhai, District Sri Muktsar Sahib.

The allegations against the petitioner are that the in-laws family of the deceased-Jaspreet Kaur are greedy kind of persons and were repeatedly raising demand of dowry. About a year prior to the death of Jaspreet Kaur, they had given a buffalo to the in-laws of the deceased and about 20 days prior to the occurrence, they had given buffalo of the value of Rs.70,000/- as per the demand of her in-laws. They threatened her to bring a new car otherwise they will kill her.

Counsel for the petitioner has argued that marriage of the deceased was solemnized with Kulwinder Singh in the year 2013 and out of the wedlock, a son Kulvir Singh was born to them. The petitioner is in custody since 30.05.2018. The cause of death, as per the postmortem report, is 'hanging' as she committed suicide. She, being lady of about 55 years of age and is in custody since 30.05.2018, deserves to be admitted on bail.

Counsel for the complainant has argued that the deceased died within 7 years of her marriage. There are allegations of harassment and demand of dowry. The complainant has given buffaloes at two different times and immediately before the death of deceased, the complainant had visited the house of the accused along with number of persons. The petitioner does not deserve to be admitted on bail unless the complainant and other witnesses are examined. The role of the petitioner, being mother-in-law, is more crucial as compared to other. Her role cannot be minimized.

Learned State counsel has also supported the arguments raised by the counsel for the complainant.

I have heard learned counsel for the parties.

The deceased-Jaspreet Kaur was married with Kulwinder Singh in the year 2013 and she died on 30.04.2018 i.e. after about 5 years of her marriage. There are allegations against the petitioner and family that they have demanded buffaloes and dowry from the complainant. There is no such specific allegation as what dowry items were demanded except in the later part of the FIR that the petitioner has demanded a car. The petitioner is already in custody since 30.05.2018 and as informed an application under Section 319 Cr.P.C. has already been filed which certainly will take a long time to decide.

The petitioner, being lady of about 55 years of age and is in custody since 30.05.2018, this Court deems it appropriate to admit her on bail.

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

(HARI PAL VERMA)
JUDGE

10.04.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No