

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

(I)

CRM-M-48019-2018
Date of Decision: 11.9.2019

PIARO AND ANR

.....Petitioners

Versus

STATE OF PUNJAB & ORS

.....Respondents

(II)

CRM-M-51706-2018

BALWINDER KUMAR AND ORS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. D.K. Bhatti, Advocate
for the petitioners in both cases.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Satbir Rathore, Advocate
for respondent No.4 in both case.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of
Jagat Ram, Amarjit Kaur, Piaro and Baljeet Kaur seeking anticipatory bail

in respect of FIR registered against them vide FIR No.88 dated 7.8.2018 under Sections 304-B & 34 IPC, Police Station Tibba, District Ludhiana. Petition qua petitioner-Balwinder Kumar has already been dismissed vide order dated 17.12.2018.

2. The FIR was lodged at the instance of Gian Chand wherein it has been alleged that his daughter Rajwinder Kaur was married to Balwinder Kumar on 9.11.2014. It is alleged that on 6.8.2018 Satya Devi mother of deceased received a call from Jagat Ram who informed that the condition of Rajwinder Kaur (deceased) was serious. Immediately upon receipt of said information the complainant, his wife and other respectable persons reached the matrimonial home of Rajwinder Kaur where they saw the dead body of their daughter lying in a tempo on a cot. It is alleged that the tongue of Rajwinder Kaur was protruding out and there were marks of injuries/strangulation marks on the neck of the deceased. It is alleged that Rajwinder Kaur had been murdered by her in-laws family i.e. her father-in-law Jagat Ram, mother-in-law Amarjit Kaur and grandmother-in-law Piaro, son-in-law Balwinder Kumar and sister-in-law namely Baby.
3. Learned counsel for the petitioners has submitted that while petitioner Jagat Ram and Amarjit Kaur are parents-in-law, the petitioner-Piario is grandmother-in-law and petitioner Baljeet Kaur is sister-in-law and that they all have been falsely implicated by the complainant simply on account of the fact that the complainant's daughter had died in her matrimonial home although the medical evidence does not suggest that it is a case of unnatural death. Learned counsel has further submitted that in fact a perusal of the FIR would show that not even a single demand of

dowry had been ever raised by accused and in these circumstances no offence under Section 304-B IPC is attracted.

4. While opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR, no case for grant of anticipatory bail is made out. Learned State counsel has however informed that cause of death has not been opined by the Doctor as viscera report is still awaited. It has further been informed that petitioners have since joined investigation and challan has been filed.
5. Having regard to the facts and circumstances of the case and while bearing in mind that there is no allegation in the FIR as regards demand of dowry and while also noticing that the petitioners who are parents-in-law, grandmother-in-law and sister-in-law of the deceased have since joined investigation and challan already stands presented custodial interrogation of petitioners at this stage is not warranted. The petitions, as such are accepted and interim directions issued vide order dated 30.10.2018 passed in CRM-M-48019-2018 and order dated 17.12.2018 passed in CRM-M-51706-2018 are made absolute subject to the condition that the petitioners would appear before trial Court regularly and abide by all such conditions as may be imposed by trial Court.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

11.9.2019

Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No