

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

**CRM-M No.22541 of 2019**

Date of decision: 23<sup>rd</sup> July, 2019

Krishna Devi

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab  
for the respondent/State.

Mr. Shubham Goyal, Advocate for the complainant.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioner Krishna Devi in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.47 dated 14.10.2018 under Sections 304-B, 34 IPC pertaining to Police Station GRP Ferozepur, have been levelled by Amit Kumar brother of deceased Minakshi. It is alleged that the deceased and Balwinder Kumar accused non-applicant, son of the petitioner, had entered into wedlock through Court marriage against the wishes of the families as they were neighbours, on 24.04.2015, as a consequence of which complainant side snapped off their ties with the accused side. It is alleged that in January 2016 when marriage of another sister of the complainant was solemnized, the deceased and her husband too were invited and the differences were ironed out between the parties. Subsequently, it is alleged that on the demand of accused husband

Balwinder Kumar, complainant had paid Rs.25,000/- in cash to help in his business and after the birth of a baby, the complainant side had given gold ornaments and another amount of Rs.25,000/- and Rs.30,000/- were given to the husband of the deceased but he did not desist from raising demand and it is alleged that the deceased committed suicide by jumping before a train on account of harassment by the husband.

Learned counsel for the petitioner Mr. SPS Sidhu, Advocate inter alia contends that the own stand of the complainant in the FIR is illustrative of the relations being not good between the parties and that the only allegation of demand of dowry and harassment are against Balwinder Kumar and that nothing is alleged specifically against the petitioner. It is argued that the deceased has left behind a mentally handicapped child which is being looked after by the petitioner and is in itself a mitigating circumstance for consideration of the relief of bail as there is no one in the family to take care of the child, as husband of the deceased is in custody.

Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from SI Vir Chand, Police Station GRP Ferozepur assisted by Mr. Shubham Goyal, Advocate representing the complainant has not controverted the facts brought before this Court but has sought to oppose the grant of relief on the grounds of heinousness of the offence.

Appreciating the arguments of the two sides, no doubt, the deceased has died an unnatural death within seven years of her marriage. However, as is there in the allegations, it was a run-away marriage together with the fact that the only attribution of demand of dowry and harassment is levelled against the husband and there are only general

insinuations against the petitioner, especially in the light of own stand of the complainant side that the couple was residing separate from their family, are matters which have a bearing in the mind of this Court, coupled with the mental state of the child left in a lurch after the death of his mother. In view thereof and the fact that nothing is to be recovered from the petitioner, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and her mere joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within ten days from today and on her doing so, she shall be released on bail to the satisfaction of the investigating officer till submission of report under Section 173 Cr.P.C. (challan). She shall continue to join investigation and shall furnish an undertaking that she shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**July 23, 2019**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No