

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-23745-2019 (O&M)
Date of Decision: September 05, 2019

Neelam

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Ghuman, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ashish Bakshi, Advocate,
for the complainant.

Hari Pal Verma, J. (Oral)

CRM-26780-2019

This is an application filed under Section 482 Cr.P.C. for placing on record Annexures P/3 and P/4 and for exemption to file certified copies of the Annexures.

Allowed, as prayed for. Annexures P/3 and P/4 are taken on record subject to all just exceptions.

CRM-M-23745-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner-Neelam wife of Ankit Kumar in case

FIR No. 39, dated 17.03.2019, under Sections 304-B, 120-B IPC, registered at Police Station Shimlapuri, District Police Commissionerate Ludhiana.

The aforesaid FIR was registered at the behest of Balli Singh, who is father of deceased Anamica, whose marriage was solemnised with Sanket Kumar on 08.06.2016. The petitioner in the present case is sister-in-law (Devrani) of the deceased.

Learned counsel for the petitioner has argued that there is no specific allegation against the petitioner for the demand of dowry and the allegation, if any, is against mother-in-law (Guddi), sister-in-law (Baby) and husband of the deceased, namely, Sanket. Even alleged demand is of a washing machine from the complainant. On 23.08.2018, there was a birthday of the son of the petitioner where all relatives have gathered. The only allegation against the petitioner is that she had caught hold of left leg of the deceased, whereas her husband had given a pawa blow on the head of the deceased which led to death of Anamica. The petitioner is in custody since 17.03.2019. She was not going to be benefitted from the washing machine. She is sister-in-law of the deceased (Devrani) and was married in the same family, but living in a separate matrimonial home. Learned counsel has referred to the averments made in CRM-M-2568-2019 titled as “Balli Singh vs. State of Punjab and others”, filed by the complainant under Section 482 Cr.P.C. for directions to the State to take legal action on his complaint dated 05.09.2018. He referred to the complaint dated 05.09.2018 (Annexure P/1 with CRM-M-2568-2019) and states that there is no allegation against the petitioner regarding demand of dowry or causing any injury to the deceased.

Power of attorney filed on behalf of the complainant today in

the Court, is taken on record.

Learned counsel for the complainant has argued that the deceased was married with Sanket Kumar on 08.06.2016 and the incident took place on 23.08.2019. Thereafter, Anamica died on 26.08.2018 in PGI, Chandigarh on account of injuries given by the accused including the petitioner. There were as many as 8 injuries on the person of the deceased.

Learned State counsel has also joined the similar arguments raised on behalf of the learned counsel for the complainant.

Heard learned counsel for the parties.

Pleadings made in CRM-M-2568-2019 filed by the complainant – Balli Singh have been perused. There is no such pleadings in this petition that the petitioner caught hold the deceased. As per the FIR, the allegation against the accused including the petitioner is demand of a washing machine. The demand of washing machine cannot be expected from the petitioner as she is not going to be benefited when she was living in a separate matrimonial home. It is only in the FIR the allegation of caught hold of leg of the deceased has been made against the petitioner. The trial is not likely to be concluded in near future. The petitioner being a lady and sister-in-law (Devrani) of the deceased and is in custody since 17.03.2019, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 05, 2019
vkd

(Hari Pal Verma)
Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No