

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : May 17, 2019

1. Criminal Misc. No. M-55656 of 2018 (O&M)

Taranjit KaurPetitioner

versus

State of PunjabRespondent

2. Criminal Misc. No. M-6887 of 2019 (O&M)

Avtar SinghPetitioner

versus

State of PunjabRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rahul Sharma, Advocate, for the petitioners

Mr. Saurav Khurana, DAG, Punjab, for the State with
SI Balwinder Singh, PS Sadar, Nabha

Fateh Deep Singh, J. (Oral)

Since both these bail applications one by Taranjit Kaur and the other by Avtar Singh have arisen in the same very FIR No. 50 dated 16.6.2018, under Sections 302, 307, 498-A IPC, Police Station Sadar Nabha, District Patiala, are being taken up together for

disposal.

The allegations in the present case have been levelled by one Ashok Kumar, a labourer alleging that his daughter Rajni aged around 23 years was married to accused non-applicant Major Singh younger brother of Avtar Singh petitioner and as per the demand he had given whatever possible dowry he could give but the accused were demanding more and raised demand of motorcycle and Rs One lac. The girl has confided in the complainant father about her ill-treatment at the hands of the accused and their demands alleging that the husband of the deceased Major Singh, mother-in-law Baljeet Kaur, Avtar Singh elder brother and his wife Taranjeet Kaur both petitioners along with other accused had been raising demand and ill-treating the deceased and on 15.6.2018 around 10.00 AM the complainant received the telephonic call from the daughter intimating that the accused were planning to kill her and asked the father to rush back. On the day of occurrence i.e. 16.6.2018, a telephonic call was received by the complainant that the in-laws of the daughter of the complainant had attempted to burn her and that she was admitted in Civil Hospital, Nabha. The complainant rushed to the hospital where his daughter was stating loudly and crying that accused Avtar Singh had handed over kerosene bottle to Major Singh co-accused and when she went inside the bath room to take bath,

accused Major Singh did not allow her to bolt the door and at which accused Baljeet Kaur caught hold of the hair of the deceased and sister-in-law Taranjit Kaur wife of Avtar Singh poured kerosene oil on her body and Major Singh husband put her on fire by means of match stick and thereafter bolted the bath room door from outside as a consequence of which the deceased received injuries resulting in her death.

Mr. Rahul Sharma, Advocate, for the petitioners argued that the petitioner Avtar Singh and his wife petitioner Taranjit Kaur had no role to play in the commission of offence and have been falsely implicated on account of their relationship with the husband and they were neither the beneficiaries of the articles of dowry nor were likely to benefit out of it. It is contended that the CCTV footage photographs Annexure P/2 shows that accused Avtar Singh was present at the place of his employment and that petitioners have already undergone incarceration for more than one year and has sought to put to doubt the claim of the complainant that the deceased was detailing the events at the time when the complainant reached and that the doctor had opined that the injured was not fit to make statement improbabilizes the version of the prosecution.

Learned State counsel Mr. Saurav Khurana, DAG, Punjab assisted by SI Balwinder Singh, PS Sadar, Nabha have

stoutly opposed the bail on the grounds of heinousness of the offence arguing that within a short period of this marriage which took place on 23.10.2016, the deceased was put on fire on 16.6.2018 resulting in her death on 19.6.2018 and therefore, there being specific allegations of demand of dowry, cruelty and harassment immediate prior to this death in view of the heinousness of the offence disentitles them to any bail.

The prima facie allegations that have come about against the petitioners wherein specific roles have been attributed to the petitioners in the commission of the offence. Mere incarceration of the petitioners is no extenuating circumstance for the grant of relief. The plea of alibi that is sought to be raised qua accused Avtar Singh is subject to evidence at the trial and so is the legal affect of the oral dying declaration so spelled out by the complainant in his case. In view of the heinousness of crime and seriousness of allegations does not entitle the petitioners to any bail and both the petitions as such stands dismissed.

May 17, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No