

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

CRM-M-51990-2019 (O&M)
Date of Decision:- 12.12.2019

Seema Bhatia ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Singh Majithia, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Mr. Ashok Bhardwaj, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against her vide FIR No.0178 dated 4.11.2019 under Sections 304-B IPC at Police Station Shimlapuri, District Ludhiana.
2. The FIR was registered at the instance of Pardeep Bhatia wherein it has been alleged that about two years back, the marriage of his daughter namely Palak Bhatia was solemnized with Pranav, resident of Ludhiana. However, shortly after her marriage, her in-laws started torturing her physically as well as mentally and used to call her ugly and work shirker. Upon coming to know about the same, the complainant along with other members of his family visited the in-laws family of his daughter in order to reason out with them and the in-laws, while accepting their mistakes assured them that they would not repeat the same. However, they did not desist from harassing

complainant's daughter. Subsequently, when complainant's daughter became pregnant, she informed that her in-laws have been making her consume some substance contained in packet which they referred to as '*swah*' and also got something administered to her through injections by a private nurse. When the complainant discussed the matter with his son-in-law Pranav, he replied that he was the husband of complainant's daughter and that the complainant should not interfere. It is alleged that subsequently when complainant's daughter visited her parental home in Morinda in connection with ceremony of '*godbharai*', the complainant became worried seeing the health and complexion of his daughter. Later, in view of deteriorating condition of complainant's daughter, the complainant requested the accused to get complainant's daughter properly treated and left his younger daughter to take care of complainant's daughter in her matrimonial home. It is alleged that father-in-law and mother-in-law of complainant's daughter, however, snatched the mobile phone belonging to complainant's younger daughter and continued with the treatment of complainant's daughter Palak Bhatia at their residence only and on account of which her health further deteriorated and she ultimately became unconscious and was admitted to DMC Ludhiana. When the complainant came to know about the same, they rushed to DMC hospital from where they came to know that the baby carried in the womb of complainant's daughter Palak Bhatia had died and that even complainant's daughter was fighting for her life. Even, the complainant's daughter could not survive and died on 3.11.2019. It is alleged that his daughter had been done to death by her in-laws in connivance with each other.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged pursuant to unfortunate death of complainant's daughter who was pregnant on account of surcharged emotions of complainant's family. The learned counsel has submitted that even a bare perusal of FIR would show that no offence under Section 304-B IPC would be made out as there is hardly any allegation pertaining to harassment of the deceased in connection with any demand of dowry. The learned counsel has further submitted that it is a case where the complainant's daughter had died a natural death on account of some complications during pregnancy. The learned counsel has referred to the cause of death which has been defined in the postmortem report as follows :-

“The cause of death in this case in our opinion is as a result of Cardio Pulmonary Arrest secondary to Jaundice and Septicemia which is sufficient cause death in the an ordinary course of nature.”

4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that it is a case of well planned murder by the petitioner and her entire family including husband of the deceased and is infact a case of slow poisoning, as the deceased was being administered some kind of poisonous substance every day on the pretext that the same was sacred offering of God. The learned counsel has further submitted that the clinical biochemistry report shows the presence of THC Marijuana which would substantiate the allegations levelled in the FIR to the effect that some kind of harmful substance was administered to the deceased by her in-laws during her pregnancy. The learned counsel for the complainant has

also submitted that infact the *WhatsApp* conversation, as stored in the mobile phone of the deceased, would show that her relations with her husband were not cordial and that apparently, she had been murdered by her husband and other members of his family.

5. I have considered rival submissions addressed before this Court. A perusal of FIR would indeed show that there is no serious allegations of any demand of dowry or any such harassment being met out to the deceased at the hands of her husband or other members of his family. However, there indeed are some allegations to the effect that she was being administered some substance which is referred to as '*swah*' in the FIR. It cannot be said at this stage that the said '*swah*' which was being administered was some poisonous substance or was something in the nature of some harmless '*parsad*' on account of some religious or spiritual belief. The photographs as annexed with this application (Annexure P-2), out of which some are stated to have been taken at the time of ceremony of '*godbharai*', do not reveal anything suspicious as regards the physical or mental health of the deceased.
6. In view of the aforestated facts and circumstances and particularly while keeping in mind the fact that the petitioner is a lady, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioner in the event of her arrest shall be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall appear before the Investigating Officer as and when directed and cooperate with investigation of the case.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

12.12.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No