

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-52132 of 2018 (O&M)
Date of decision : January 31, 2019

Kamaljit Kaur @ Karamjit Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sumer Singh Brar, Advocate, for the petitioner

Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State

Mr. BS Jaswal, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

In this first anticipatory bail of accused petitioner Kamaljit Kaur alias Karamjit Kaur filed under Section 438 Cr.P.C. in case FIR No. 123 dated 31.8.2018, under Section 304-B IPC, Police Station Kamboj, District Amritsar, the brief allegations levelled by the prosecution are that a marriage between deceased Rajbir Kaur and son of the petitioner was solemnized five years ago in the year 2013 prior to the registration of this case on 31.8.2018. It is alleged that the petitioner mother-in-law along with co-accused non-applicants have been compelling the deceased for more

dowry on account of which she was often beaten and harassed by her husband Major Singh, present petitioner mother-in-law and father-in-law Sukhwant Singh and six months prior to this occurrence a Panchayat was convened but subsequently the accused did not desist from their acts. It is alleged that on 30.8.2018 the day of occurrence the deceased telephonically informed the complainant father Gurdev Singh that she was so much tortured that she was going to commit suicide and thereafter on the same evening around 6.00 PM the deceased consumed some poisonous substance which was subsequently detected as Aluminium phosphide and died the same very day.

Mr. Brar, learned counsel for the petitioner has argued that there is no specific role attributed to the petitioner in the commission of the offence. In spite of the fact that parental village and matrimonial village of the deceased is hardly 15 minutes away, the complainant and his family failed to promptly act into the matter and the entire story is highly unpalatable arguing that nothing is to be recovered from the petitioner.

Mr. Sandhu, learned State counsel assisted by Mr. JS Jaswal, Advocate for the complainant has strongly controverted the arguments of the petitioner side submitting that there are specific allegations of demand of dowry, harassment, cruelty by the accused including the present petitioner and on its non-fulfillment, the deceased was forced to take this step and that custodial interrogation of the petitioner is very much essential.

The young wife had died within seven years of her marriage

and there are allegations of demand of dowry, harassment and cruelty. The complainant has specifically levelled allegations that six months prior to this occurrence a Panchayat was convened to iron out the differences and to make the accused side understand but to no avail and even on the day of occurrence, the mother has received telephonic call from the deceased. The deceased has died in her matrimonial home an un-natural death. There are specific allegations against the petitioner mother-in-law and therefore, in view of the seriousness of the offence her custodial interrogation is necessitated. No ground for grant of bail is made. The present petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 31, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No