

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-18353 of 2020 (O&M)

Date of Decision: July 21, 2020

Dhan KaurPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

-. -

Present: Mr. Shiv Kumar, Advocate for petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab.

-. -

MAHABIR SINGH SINDHU, J.

CRM No.17009 of 2020

This is an application for placing on record the post-mortem report as Annexure P-4

For the reasons mentioned therein, the same is allowed.
Copy of Postmortem Report is permitted to be taken on record as
Annexure P-4.

Registry is directed to tag the same at the appropriate
place.

CRM-M-18353-2020

Present petition has been filed under Section 438 of the
Code of Criminal Procedure for grant of pre-arrest bail to the
petitioner in case FIR No.0150 dated 19.05.2020 under Sections

406, 498-A, 34 of IPC, and Section 304-B added later on, registered at Police Station Sadar Amritsar, District Amritsar.

Above FIR was registered on the basis of statement made by complainant -Phulla Rani (mother of deceased) with the allegations that her younger daughter- Simran (since deceased) was a BAMS doctor and married with son of the petitioner, namely, Dr.Dilbagh Singh on 01.02.2019. Dowry beyond their capacity was given to deceased, but after few days of marriage, son of the petitioner started harassing the deceased for bringing more dowry and as such, an amount of Rs.5 lacs was deposited in her account which was misappropriated by the son of the petitioner. Also alleged that deceased told the complainant that her husband as well as her in-laws are demanding money for construction of a hospital, and they were harassing her mentally and physically. Deceased was working in City Hospital, Amritsar; whereas her husband is also employed in SWIFT Hospital, Amritsar as a BAMS Doctor and both of them were residing in a rented accommodation at Amritsar. On 17.05.2020, husband of the deceased informed the complainant that she herself got injected an injection and was in a serious condition in City Hospital, Majitha Road, Amritsar. Complainant, her husband and other family members reached City Hospital and shifted the deceased to Fortis Escorts Hospital, Amritsar for better treatment, who was in a serious condition. It is also alleged that complainant was told by husband of the deceased that she tried to commit suicide

by injecting an injection, but she is not sure as to whether deceased herself injected the injection on account of harassment from her husband, her in-laws i.e. Sarabjit Singh (father-in-law) and petitioner-Dhan Kaur (mother-in-law) or that injection was given to her by the son of the petitioner.

It is contended by learned counsel for the petitioner that as per the allegations of the prosecution, there is no specific instance quoted that petitioner ever made any demand of dowry from the deceased or her parents. It is also the contention that deceased along with her husband were residing separately at Amritsar; whereas the petitioner is residing at Village Gag, Tehsil Nangal, District Rupnagar. Further contended that petitioner has no role at all for the commission of the alleged offence and she is ready to join investigation.

Heard learned counsel for the petitioner and perused the paper- book.

Paper-book reveals that ASI Kulwant Singh visited Fortis Hospital on 17.05.2020 and 18.05.2020, but deceased was declared unfit for making any statement. Then ultimately on 19.05.2020, the above FIR was registered under Sections 406, 498-A and 34 IPC, but during the course of treatment, deceased died on 21.05.2020 resulting into the addition of offence under Section 304-B IPC.

Concededly, the marriage of deceased had taken place with the son of the petitioner on 01.02.2019 and she died as an

unnatural death on 21.05.2020 i.e. within a period of less than 16 months of the marriage. As per the post-mortem report (PMR) dated 21.05.2020 (P-4), following injuries were noticed on the body of the deceased :-

Sr. No.	Remarks	Injury Number
1	<i>Pin point injection marks bilateral wrist anterior aspect, bilateral hand posterior aspect and bilateral cubital fossa with surrounding bluish discoloration.</i>	1
2.	<i>Central line insertion mark right side neck.</i>	2

The cause of death recorded in the PMR is as under:-

“Hypoxic brain injury, LV dysfunction and pneumonia following alleged atracurium poisoning. However final report will be given after receiving histopathology and chemical examiner reports.”

Undisputedly, the death in this case has resulted on account of poisoning and this is a matter of investigation as to whether deceased herself got injected the injection or someone else including son of the petitioner is responsible for the same. There are specific allegations that an amount of Rs.5 lacs was deposited in the account of deceased on the asking of her husband and that is alleged to have been misappropriated by him. As per the allegations in the FIR, deceased was pressurized to bring money for construction of the Hospital and name of the petitioner is specifically mentioned for that demand. Although it is claimed on behalf of the petitioner that she is residing in Village Gag, Tehsil Nangal, District Rupnagar; whereas the deceased along with her husband were residing in the rented accommodation at Gali No.4, Gopal Nagar,

Majitha Road, Amritsar, but at best, it would be a plea of defence during trial, thus the same will not altogether wash out the allegations levelled in the FIR for the purpose of granting pre-arrest bail to the petitioner in an offence under Section 304-B IPC.

Since the allegations are serious in nature, therefore, custodial interrogation of the petitioner is necessary to reveal the truth leading to the death of the deceased, therefore, this Court does not deem it appropriate to grant the concession of pre-arrest bail to the petitioner .

In view of the above, this Court is left with no option except to dismiss the present petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on the merits of the case.

July 21, 2020
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.