

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : November 03, 2020

1. CRM No. M-23070 of 2020 (O&M)

Gurmeet Kaur

....Petitioner

versus

State of Punjab

....Respondent

2. CRM No. M-26944 of 2020 (O&M)

Harjinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sukhdeep Singh Sidhu, Advocate, for the petitioners
Mr. Jagmohan Ghuman, DAG Punjab

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The above detailed two regular bail applications one by Gurmeet Kaur mother-in-law and Harjinder Singh husband of

deceased Beant Kaur having arisen in the same very FIR are being taken up and disposed of together for the sake of brevity.

The allegations against the accused have been levelled by complainant Jasbir Singh maternal uncle of the deceased. The allegations are that marriage between the couple took place one year prior to the date of occurrence i.e. 9.8.2018. It is alleged that the deceased was in advanced pregnancy and demand of Rs 2 lacs was demanded by the accused for her treatment which the complainant side could not fulfill and as a consequence of which the deceased was compelled to commit suicide by consuming a poisonous substance (later analysed to be organo phosphorous).

Learned counsel for the petitioner contends that both the petitioners husband and mother-in-law are behind the bars for more than two years. The bare perusal of the allegations spelled out that there is no cause of demand of dowry and mere demand of money for treatment of the deceased does not fall within the definition of dowry and has sought to debate the applicability of offence under Section 304-B IPC.

The learned State counsel does not displace the facts but has opposed the bail on the grounds that the trial is under way and if allowed bail, the petitioner might influence the same.

Be so as it may. Apparently, there is only allegation that the accused demanded Rs 2 lacs for treatment of the deceased. Thus, a debatable issue arises if the same falls within the definition of the dowry or it was a dowry death covered under the offence under Section 304-B IPC and which can only be adjudicated at the time of trial upon evidence. The petitioners are behind the bars since a long time and in view of present COVID-19 pandemic, there is every likelihood that the trial would be delayed and thus no purpose will be served by retaining the petitioners in jail. Accordingly, both the petitioners are ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

Both the petitions stand disposed off accordingly.

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 applications.

November 03, 2020

'tiwana'

**(Fateh Deep Singh)
Judge**

*Whether speaking/reasoned ?
Whether Reportable ?*

*Yes/No
Yes/No*