

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

CRM-M-50075 of 2019.

Decided on:- January 28, 2020.

Kundan Singh and another

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Satish Sabharwal, Advocate
for the petitioners.

Mr. Hittan Nehra, D.A.G., Punjab.

Mr. J.S. Warring, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.59 dated 01.05.2019 under Section 304-B read with Section 34 IPC registered at Police Station Arni Wala, District Fazilka.

The aforesaid FIR was registered by complainant Amrit Singh father of deceased Nirmalpreet Kaur. As per the FIR, marriage of Nirmalpreet Kaur was solemnised with Balwinder Singh son of the petitioners on 11.05.2014. Out of this wedlock, a son is born to them, who is about 3½ years of age. After the marriage, the complainant had re-established relations with his daughter, as earlier, he was not maintaining good relations with her as she solemnised marriage with Balwinder Singh against their wishes. For the last about 2 years, Nirmalpreet Kaur (since deceased) had been visiting the

complainant and during one such visit, she had confided with the complainant and his wife that her husband Balwinder Singh, her mother-in-law Sumitra @ Mito (petitioner No.2 herein) and father-in-law Kundan Singh (petitioner No.1 herein) are greedy persons and they kept troubling her. They are demanding dowry and compelling her to bring gold ornaments from her parents and are demanding Rs.5/7 lakh in cash. However, the complainant had replied to his daughter that he has already spent enough money in educating her and since she herself has performed love marriage with Balwinder Singh, he is unable to give dowry.

The complainant further alleged that after few days, he along with his wife visited the house of accused and asked them not to harass their daughter while demanding dowry. But they could not convince the accused. About one year back, his daughter (since deceased) became pregnant again, but the accused gave her beatings due to which her foetus could be saved after much toil. On 29.04.2019, the complainant again visited the house of the accused, where his daughter complained that it was very difficult for her to live in the matrimonial home and she cannot tolerate the beatings being meted out to her. She further disclosed to the complainant that her mother-in-law (petitioner No.2) and father-in-law (petitioner No.1) are harassing her and are asking for dowry.

On 01.05.2019, the complainant received a telephonic message from Gurmeet Singh, Ex-Sarpanch, Nukerian regarding the death of his daughter by burning and when the complainant, his wife and other relations were going to the house of their daughter (since deceased), in the way, they found the dead body of their daughter Nirmalpreet Kaur in the ambulance.

There was no cloth on her body and she was lying dead. The allegations are that the accused have killed her.

Learned counsel for the petitioners has argued that the petitioners are in custody since 20.10.2019 and they are living separately from their son Balwinder Singh and they have a separate ration card. Moreover, Balwinder Singh and the deceased had solemnised marriage against the wishes of the petitioners and approached this Court so as to seek protection of their life and liberty for having solemnised marriage against the wishes of the petitioners. In this regard, he has referred to the petition i.e. ***CRM-M-16423 of 2014*** titled as ***Nirmalpreet Kaur and another Versus State of Punjab and others*** decided by this Court on 14.05.2014.

Learned State counsel does not dispute the custody of the petitioners. However, he submits that Nirmalpreet Kaur had died within 7 years of marriage and the allegations being serious against the petitioners, they are not entitled for bail. Moreover, Challan in the case has been submitted in the Court and the case is now fixed for framing of charge.

Learned counsel for the complainant has also argued that the allegations against the petitioners are serious. The daughter of complainant had died because of burns. Since she died within 5 years of marriage, the petitioners have rightly been booked for offence under Section 304-B IPC. Further, the evidence in the case has yet not been started and in case, the petitioners are released on bail, they can influence the prosecution witnesses.

I have heard learned counsel for the parties.

The petitioners are in custody since 20.10.2019. The attached document i.e. ration card does not reflect the name of the deceased in it.

Further, the fact that the deceased had solemnised marriage with the son of the petitioners against their wishes is sufficient enough to take note of the fact that the petitioners were not happy with this marriage. The case before the trial Court is fixed for framing of charge and in this manner, the conclusion of trial would take sufficient long time. Therefore, this Court finds that no useful purpose would be served by keeping the petitioners in further custody.

Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No