

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-8734-2021
Date of decision : 09.11.2021

Ajitpal Singh Petitioner

Versus

State of Punjab Respondent

2. CRM-M-11098-2021

Karamjit KaurPetitioner

Versus

State of PunjabRespondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

RAJESH BHARDWAJ, J.(ORAL)

Prayer in these petitions under Section 439 Cr.P.C, is for grant of regular bail to the petitioners namely, Ajitpal Singh and Karamjit Kaur (parents-in-law of the deceased) in case FIR No.155 dated 03.09.2020, under Sections 304-B, 202 and 34 of the Indian Penal Code, at Police Station City 2 Mansa, Punjab.

As per the factual matrix of the case, the present FIR is registered by Gardaur Singh son of Chota Singh, resident of Atla Khurd. It was alleged that he has three daughters and one son. His daughter named Lovepreet Kaur was married on 29th October, 2017 with Inderjit Singh son of petitoners Ajitpal Singh and Karamjit Kaur. He alleged that he had given

sufficient dowry and *istridhan* more than his capacity during the marriage. However, after the marriage, in-laws of her daughter Lovepreet Kaur started harassing her on account of demand of dowry. She used to be given beatings for bringing less dowry. As the harassment continued, they tried to settle the dispute amicably and in the month of March, 2020, the matter was compromised in the Court of learned Sub Divisional Magistrate, Mansa and his daughter Lovepreet Kaur was brought to the matrimonial home. Thereafter, he got the news that his daughter has committed suicide by hanging. The present FIR was lodged for taking the legal action against the accused persons.

The petitioners were arrested on 20th September, 2020. They approached the learned Sessions Judge, Mansa for grant of regular bail who declined the same on 5th January, 2021 and 2nd February, 2021 respectively. Aggrieved by the same, the petitioners have approached this Court for grant of bail.

Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in this FIR only being the parents-in-law of the deceased. He has submitted that they tried their level best to resolve the dispute. He further submits that the deceased was not happy with the decision taken by her parents for marrying her in the family of the petitioners. He submits that though the suicide was committed in the matrimonial home, however, the same was not on account of harassment for dowry as alleged but as per the admitted position because the marriage of the deceased was performed by her parents against her wishes. He further submits that the allegations in the FIR are very general in nature and this Court has already granted bail to one of the accused namely, Jasvir Singh

vide order dated 30.07.2021. He submits that the material witnesses have already been examined by the trial Court. Copies of the same have been shown to the Court. He submits that from the deposition of complainant-Gardaur Singh before the trial Court, it is apparent that there are no specific allegations against the petitioners. He further draws the attention of this Court to the statement wherein, it has been deposed in the cross-examination that accused/husband Inderjit Singh had moved an application to the police against the complainant and his wife with the allegations that they were not allowing their daughter to stay in her matrimonial home and thereafter, it was admitted by the complainant that he got it recorded to the SDM that against their wishes, the deceased wanted to go back to her matrimonial home. He submits that the petitioners have a good case for proving their innocence.

Learned State counsel has vehemently contended that the petitioners are the parents-in-law of the deceased. The death took place within 07 years of the marriage and in view of Section 113-B of the Evidence Act, they are liable for the prosecution under Section 304-B IPC. However, she candidly submits that the complainant has already been examined. She has further submitted that in all there are 35 witnesses, out of which, 03 have been examined including the complainant.

I have heard learned counsel for the parties and perused the record.

The marriage took place in the year 2017 whereas, the death took place on 03.09.2020. The petitioners are behind the bars since 20th September, 2020. The co-accused Jasvir Singh has been granted bail by this Court vide order dated 30.07.2021. The husband is already behind

the bars. The examination of the allegations and the counter-allegations are totally in the domain of the trial Court which would be appreciated after the evidence is led by the parties. However, without commenting upon the merits of the case and in the facts and circumstances of the case, I find that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail to the petitioners. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.11.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No