

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

(Sr. No. 125)

CRM-M No. 13729 of 2021

Date of decision : 25.03.2021

Jaswinder Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 428 dated 26.12.2020 under Sections 304-B/34 IPC registered at Police Station Sadar, Sirsa, district Sirsa

Briefly stated, the case of the prosecution is that Binder Kaur, the petitioner's daughter-in-law (for short – the deceased), within five years of her marriage, died of burn injuries and before she breathed her last, in her dying declaration, she specifically attributed her death to the petitioner and other co-accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; way back on 09.07.2018 the petitioner's

husband had disowned and disinherited the deceased and her husband Sukhbir Singh; the petitioner and her husband were living separately from the deceased and her husband for the last about two and half years and therefore under no circumstances could she be considered to be responsible for the death of the deceased; even if the dying declaration is read and accepted as the gospel truth, though vehemently denied, the same contains vague and non-specific allegations; there is no other criminal case in which the petitioner is involved; the deceased was mentally unstable; the deceased poured oil on her and put herself to flames at her parental home and that the petitioner is ready and willing to join investigation.

The deceased died of burn injuries within five years of her marriage and before her death, she got recorded her dying declaration before a Duty Magistrate, the relevant portion of which reads as under :-

“Q- How much educated you are?

Ans- 10th.

Q- How many years have been passed since your marriage?

Ans- was in the year 2015.

Q- I am the Judge, do you have to tell me something about your burning?

Ans- Yes.

Q- Are you afraid ?

Ans- No.

Q- Can you see-hear me?

Ans- Yes.

Q- Will you tell the truth?

Ans- Yes.

At this stage I am Satisfied that Ms. Binder is mentally fit/stable to understand general question. She is giving answers properly. She is speaking with pause but I can listen

her clearly. I am satisfied that she is deposing voluntarily.

Q- What do you want to say ?

Ans- My in-laws used to harass me from the beginning and say die after eating something. Father-in-law Nirmal Singh, mother-in-law Jaswinder Kaur, husband Sukhbir, sisters-in-law Binder, Pinder, Amandeep used to harass. Being fed up with these people, I have poured oil on me today. I changed the room and set myself on fire. I want to take action against all of them. The husbands of sisters-in-law also used to harass. They used to take money from me from the very beginning.

Q- Do you want to say anything else ?

Ans- No. My husband wants to perform second marriage. Do not even allow to meet my son.

RTI Binder

Reetu
D/JMIC/Sirsa
25.12.2020 At. 4.47 PM.”

“emphasis supplied”

The afore quoted dying declaration of the deceased was recorded only after the attending doctor certified that the deceased was fit to make a statement.

A perusal of the dying declaration reveals that the same was recorded only after the Duty Magistrate recorded her satisfaction with regard to the mental fitness/ability of the deceased to understand the Magistrate's questions and answer them. In the afore quoted statement the deceased has specifically stated that her in-laws, which include the petitioner, used to harass her from the day of her marriage. She further goes on to specifically name the petitioner to be one of the persons whose harassment forced her to take the extreme step of pouring oil on her and then setting herself on fire. She has also

specifically requested the Duty Magistrate to take action against the petitioner and her other in-laws as also her husband.

In the light of the above serious allegations against the petitioner, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No