

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204)

CRM-M-17772-2021

Date of decision:-10.11.2021

Jaswinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Neha Jain, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.0014 dated 09.02.2021 under Section 304-B and 34 of the Indian Penal Code, 1860, registered at Police Station Kotbhai, District Sri Muktsar Sahib, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of Sukhdev Singh, father of the deceased, on the allegation that his daughter, Manpreet Kaur, was married to Lakhwinder Singh (son of the petitioner) about three months earlier and she was being harassed and her-in-laws made demand for dowry. About 5-6 days before Lohri, Manpreet Kaur came to her paternal village and told her parents that her husband, and mother-in-law (present petitioner) are pressurizing her to bring an Air Conditioner in dowry. On 07.02.2021, he came to know that his daughter had consumed some poisonous substance and has been shifted to Bansal Hospital, Sri Muktsar Sahib. As her condition was serious, he got her admitted to DMC, Ludhiana where she died during treatment.

Counsel for the petitioner submits that the petitioner had approached this Court by filing a petition (CRM-M-11453-2021) seeking grant of anticipatory bail and in terms of the order passed by this Court on 12.03.2021, she surrendered before the trial Court on 17.03.2021 and is in custody since then. Counsel submits that the accusations against the petitioner are absolutely false. Reliance has been placed by the counsel on the testimony of Sukhdev Singh, complainant and Gurdev Kaur, parents of the deceased, who were examined as PW-1 and PW-2 to submit that in their examination in chief, they have stated that neither any dowry was given at the time of marriage nor any demand was made and their daughter was never harassed for dowry by her husband and other members of his family. Counsel further submits that in their testimony, both the witnesses have stated that the deceased was a patient of depression and was under medication and she accidentally consumed some poisonous substance. The testimony of the witnesses is taken on record as Mark 'A'. Counsel urges that in view of the statement of the material witnesses, the essential ingredients attracting Section 304-B, IPC, are not satisfied and the petitioner, who is a 60 years old lady and is suffering incarceration for the last more than seven months, deserves to be enlarged on bail.

Opposing the petition, learned State counsel, upon instructions from SI Harpreet Kaur, submits that that the parents of the deceased have been declared hostile, but the prosecution is in possession of medical evidence to establish that the death had taken place within three months of the marriage under suspicious circumstances. He submits that looking at the seriousness of the allegations, the petitioner does not deserve to be released

on bail. As per his instructions, the husband of the deceased is behind bars, challan has been presented on 10.05.2021, charge has been framed on 22.07.2021 and 03 out of 32 prosecution witnesses have been examined.

Having considered the submissions advanced by counsel for the parties, this Court is of the view that the complicity of the petitioner in the crime would remain debatable and the petitioner, who is a lady of advanced age, and is in custody since March 2021, deserves to be released on bail as the trial is at its initial stage and is likely to take time to conclude.

Without examining the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner, namely, Jaswinder Kaur, is ordered to be released on bail on her furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

While being released on bail, the petitioner shall furnish an undertaking to the effect that she will regularly appear before the trial Court and will not cause any hindrance in the smooth conduct of the trial.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

10.11.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes