

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

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CRM-M-40381-2020

Date of Decision: 26.03.2021

CHARANJIT KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J.(Oral)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 63 dated 17.07.2020 registered under Section 304-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Raikot, Police District Ludhiana Rural, District Ludhiana.

The above said FIR was registered on statement of Gurmukh Singh, father of the deceased. In his statement Gurmukh Singh alleged that marriage of his daughter Baljit Kaur was solemnized with Navdeep Singh on 07.10.2019. He gave sufficient dowry but her in laws treated her with cruelty and made dowry demands. On 17.07.2020 on telephonic message, he reached matrimonial home of Baljit Kaur and saw her lying dead there. He had the suspicion that her husband-Navdeep Singh, mother-in-law- Charanjit Kaur and her sister Amarjit Kaur had caused

death of his daughter for dowry demands. The police investigated the case and on completion of investigation charge sheeted the petitioner and her co-accused Navdeep Singh and Amarjit Kaur.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Sukhnaaz Singh, PPS, DSP, Raikot, District Ludhiana (Rural).

Copy of the opinion of Medical Board has been sent through e-mail, print out of which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner did not treat the deceased with cruelty and did not make any dowry demands. Navdeep Singh went to his fields to irrigate the paddy crops. Baljit Kaur was sleeping in her room. When Navdeep Singh returned he saw that Baljit Kaur had already died. They immediately called the doctor from the village who told that Baljit Kaur had died due to heart failure. As per Post Mortem report dated 17.07.2020 there was no injury on the body of the deceased. No poison was detected as per the Chemical Examiner's report. The Medical Board has given opinion that the cause of death of Baljit Kaur could not be ascertained. Death of Baljit Kaur cannot be said to be unnatural. The petitioner did not commit any offence. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further

detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner maltreated the deceased and subjected her to cruelty for not meeting the dowry demands. Since the death occurred within one year of marriage the Court has to draw the presumption against the petitioner as to commission of the offence punishable under Section 304-B of the IPC. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, also the fact that the Post Mortem report, Chemical Examiner's report and opinion of the Medical Board are not incriminative of death of Baljit Kaur being unnatural and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

26.03.2021*Vishal***(ARUN KUMAR TYAGI)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No