

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(223)

CRM-M-8149-2022

Date of Decision: 02.03.2022

Jaswinder Kaur @ Santosh Kaur

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.S. Brar, Advocate for the petitioner.

Mr. M.S. Dullat, Addl.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in FIR No.0066 dated 26.4.2021 registered under Sections 304-B, 498-A, 406, 149 IPC at Police Station, Kartarpur, District Jalandhar Rural.

As per facts of the case, present FIR was lodged by Joga son of Fauja Singh. The allegations in the FIR are that the marriage of Parampal Kaur, who is grand daughter of complainant's sister took place on 25.4.2021 with Supreet Singh @ Sonu son of Jarnail Singh. It was alleged that sufficient dowry was given in the marriage as per their status. In the morning they received a phone call from Jarnail Singh father of Supreet Singh that they will not keep their daughter. Complainant along with his son Balbir Singh, cousin MC Ram Singh and nephew Amarjit Singh and wife Darshan Kaur reached at in-laws house of Parampal Kaur, who told them that her mother-in-law Jaswinder Kaur @ Santosh Kaur i.e. present petitioner, father-in-law Jarnail Singh, sister-in-law Navjot Kaur and her husband Supreet Singh @ Sonu were harassing her since night on account of bringing less dowry. She also told that they said that they will not keep her. She further told that she was pushed and was expelled from the

matrimonial home and she became unconscious. Thereafter, Parampal Kaur was taken to Sacred Heart Maksuda, Jalandhar for her treatment where the doctor declared her dead. It was alleged that Parampal Kaur died due to harassment caused by her in-laws for bringing insufficient dowry. A request was made to take legal action against the culprits.

The investigation commenced and Supreet Singh i.e. husband of the deceased and her parents-in-law i.e. Jarnail Singh and Jaswinder Kaur @ Santosh Kaur (present petitioner) were arrested on 26.4.2021. The petitioner approached learned Addl. Sessions Judge, Jalandhar for grant of bail, however, after hearing the parties, the same was declined vide order dated 16.12.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner has vehemently contended that though in the the present case the bride died after one day of the marriage, however, the allegations levelled against the petitioner and co-accused are not at all substantiated. Counsel has drawn attention of this Court to the photographs appended with the petition and also to the medical record of the case. He submits that by no stretch of imagination it can be inferred that within a short span of the marriage the petitioner and co-accused caused any type of harassment or cruelty to the deceased. He submits that post mortem of the deceased was conducted wherein it is clearly mentioned in the Histopathological Report that 'No Opinion Possible'. The doctors could not give any specific cause of death in this case. Counsel submits that drawing the conclusion of harassment and cruelty within a day of the marriage is totally an injustice to the in-laws.

Counsel submits that the death could be even by a heart attack which would

be a natural cause of death. It is submitted that all the family members i.e. the husband and in-laws are behind bars since 26.4.2021. The investigation is already complete and thus the petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that deceased died on the very next day of the marriage. It is submitted that there are specific allegations of harassment and cruelty on account of bringing insufficient dowry levelled by the complainant. However, State counsel submits that no specific cause of death could be given by the doctors. He submits that presumption under Section 113-B of the Evidence Act is straightway attracted to the present case. It is also acknowledged that all the 3 accused are behind bars since 26.4.2021. State counsel further submits that investigation in the case is complete, challan presented and charges have also been framed. Now the case is fixed before the trial court on 23.3.2022 for recording evidence of prosecution witnesses.

I have heard learned counsel for the parties at length and have gone through the record carefully.

The petitioner is mother-in-law of the deceased and is behind bars since 26.4.2021. From perusal of the record it is evident that the bride died on the very next day of the marriage. However, perusal of the medical record shows that no definite cause of death could be ascertained during post mortem of the deceased. Whether the death in the present case is unnatural or not is totally a subject matter to be evaluated by the Trial Court on appreciation of the complete evidence to be led during the trial. However, this Court would refrain itself from commenting anything on merits of the case, at this stage. Investigation in the case is complete and

charges have been framed. In the overall facts and circumstances of the case, this Court finds that counsel for petitioner succeeds in making out a case for grant of bail to the petitioner.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

02.03.2022

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