

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

CRM-M-15469-2022
Date of Decision: 26.07.2022

SARABJIT KAUR

STATE OF PUNJAB

VS.

... PETITIONER

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S.Ghumman, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

Mr. Amandeep Singh Rai, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in case bearing FIR No. 27 dated 16.02.2022 under Sections 304-B and 120-B IPC registered at Police Station Sadar Ludhiana, District Police Commissionaerate, Ludhiana.

Short reply by way of affidavit of Vaibav Sehgal, Assistant Commissioner of Police (South), Ludhiana, on behalf of the respondent-State has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of Sarabjit Singh, the father of the victim alleging that the marriage of the deceased was solemnized with Hardeep Singh about three years ago and a son was born from the wedlock. Sufficient dowry articles were given at the time of marriage. However, soon after the marriage, the family members of her in-laws i.e. Daljit Singh (father-in-law), Sarabjit Kaur (mother-in-law), Harpreet Kaur (sister-in-law), Mandeep Singh (brother-in-law) and Hardeep Singh, the husband started humiliating and maltreating her for dowry. Her husband Hardeep Singh used to give

beatings to the deceased at the instance of other family members. She had narrated the incident to her father on many occasions. On 15.12.2022, at about 08:30 AM, the complainant received a telephonic message from Hardeep Singh who asked him to reach Prolife hospital and he found that his daughter had expired with mark on her neck.

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased. There are general and vague allegations levelled in the FIR. There is no specific allegation with regard to any demand and maltreatment meted out to the deceased soon before her death. It is a case of suicide only and Harpreet Kaur, co-accused, has been granted pre-arrest bail by this Court

On the contrary, learned State counsel as well as counsel for the complainant have opposed the bail application on the score that the death has occurred within a period of three years from the date of marriage and the cause of death is asphyxia due to hanging which was ante-mortem and sufficient to cause death in the ordinary course of nature. There are allegations with regard to demand of dowry and harassment meted out to the deceased on that score. Moreover, the case of the petitioner cannot be termed to be at par with that of Harpreet Kaur.

In the case in hand, the marriage of the deceased was solemnized with the son of the petitioner about three years prior to the occurrence. There are allegations with regard to maltreatment on account of demand of dowry. The cause of death is stated to be asphyxia due to hanging which was ante-mortem and sufficient to cause death in the ordinary course of nature. The material on record is indicative of the fact that the death has occurred otherwise than under normal circumstances

within three years of the marriage and soon before the death and deceased was subjected to cruelty and harassment by the petitioner and other relatives. The case of the petitioner cannot be termed to be at parity with Harpreet Kaur, who has been granted pre-arrest bail by this Court. Harpreet Kaur is the sister-in-law (*jethani*) of the deceased. She was having four months old child and stated to be residing on a separate floor. As such, no extraordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Dismissed.

26.07.2022
smriti

(VIVEK PURI)
JUDGE

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