

1) CRM-M-25220-2022(O&M)

Date of decision: 04.07.2022

SHINDER KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

2) CRM-M-25705(O&M)

BUTA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner(s).

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI,J. (ORAL)

Mr. Jitender Singh Dadwal, Advocate has put in appearance on behalf of the complainant in both cases and filed memo of appearance, which are taken on record.

Custody certificate of the petitioners have been circulated today and the same are taken on record.

Shinder Kaur and Buta Singh-petitioners are seeking regular bail in the case bearing FIR No.157 dated 26.10.2021 under Section 304-B IPC, registered at Police Station Verka, District Amritsar.

Briefly, the case has been registered on the basis of the statement of Sukho alleging that the marriage of her daughter, namely, Amandeep Kaur-deceased was solemnized about 06 months prior to the occurrence with Shamsher

Singh. After sometime of the marriage, the petitioners along with their son started raising demand of dowry and have been harassing the deceased on that score. On 26.10.2021, the complainant came to know that her daughter Amandeep Kaur has been killed by her in-laws family by hanging her.

Learned counsel for the petitioners contend that it was a love marriage of the deceased with the son of the petitioners. The deceased was having extra marital relationship and the photographs indicating the same are Annexure P-2. One of the relatives of the petitioners informed them about the extra marital relationship. A clarification was sought from the deceased who admitted her mistake. When the deceased came to know that her wrong activities have come to the knowledge of the members of matrimonial house, she took drastic step of committing suicide. Furthermore, there is no allegation with regard to demand of any specific article of dowry. Vague allegations have been levelled in the FIR. Even, the deceased had recorded a suicide note Annexure P-3 which indicates that the family had no role in the commission of suicide. The investigation of the case is complete, the challan has been presented and charges have been framed.

Learned State counsel and counsel for the complainant have opposed the bail application on the score that the occurrence took place within a period of 06 months from the marriage and even, the suicide note does not form part of the police record.

Be that as it may, the suicide note as sought to be relied upon by the petitioners does not indicate their role in commission of suicide. In the FIR, there is no allegation with regard to demand of any specific article of dowry. The defence version of the petitioners is to the effect that the deceased was having extra marital relationship and when this fact came to the knowledge of the petitioners and other family members, she took drastic step of committing suicide.

The petitioners are the mother-in-law and father-in-law of the deceased who are in custody for a period of 08 months and 08 days. It will remain a debatable and moot point during the course of trial as to whether the deceased had committed suicide on account of harassment meted out to her on account of dowry or for some any other reason not attributable to the petitioners. The investigation of case is complete, the challan has been presented and charge has been framed. The conclusion of the trial is likely to take some time. Keeping in view, the entire circumstances emerging on record, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on bail on their furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petitions are allowed accordingly.

04.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No