

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

CRM-M-31639-2021

Date of decision : 04.03.2022

Mumtaj @ Suman**.... Petitioner****Versus****State of Punjab****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********Present: Mr. H.S. Jugait, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

*********RAJESH BHARDWAJ, J. (ORAL)**

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.80 dated 01.04.2021, under Sections 304-B, 34 of the Indian Penal Code, registered at Police Station Kharar, District SAS Nagar.

Learned State counsel, on instructions from ASI Charanjit Singh, has informed this Court that after registration of the present FIR under Section 304-B/34 IPC, learned Additional Sessions Judge, SAS Nagar framed the charges under Sections 302, 304-B, 201 read with Section 120-B IPC on 06.12.2021.

In the nutshell, the case is that the present FIR was lodged by Salim Khan son of Deen Muhammad on 01.04.2021. It was alleged that he married his daughter Ruksana @ Rozy with Jashan son of Late Sardar Ali on 11.09.2019. After the marriage, the couple was blessed with a son namely, Mohd. Sarfaraz @ Saifu. On birth of the grandson, both sister-in-laws of his daughter namely, Gagandeep kaur @ Gaggi and Mumtaz @ Suman (petitioner) came in the hospital and they started taunting his daughter

that her parents had not given sufficient dowry. Thereafter, his daughter informed him on phone that her husband and sister-in-law Gagandeep Kaur @ Gaggu were physically assaulting her. On hearing the same, they went to the matrimonial home, Village Mamupur and brought his daughter Ruksana @ Rozy to the parental home. On 29.03.2021, his son-in-law Jashan came to his house and after having discussion, he took his daughter along with him. On 1st April, 2021, his daughter sent a message again regarding the harassment caused by the in-laws. Thereafter, his son-in-law called the complainant informing that Ruksana @ Rozy was not well and he should come immediately. On hearing the same, he along with his relatives reached the Civil Hospital, Kharar and found the dead body of his daughter Ruksana @ Rozy. It was suspected that his daughter had committed suicide by hanging due to the harassment caused by the husband and both the sister-in-laws on account of demand of dowry. The request was made to take the legal action against the culprits. The investigation agency swung into action and in pursuance to the same, all the three accused were arrested on 02.04.2021.

Learned counsel for the petitioner has vehemently contended that parents of the petitioner are no more. The petitioner before this Court is the elder of all the siblings and hence, in the absence of the parents, she is discharging the responsibility of the elder daughter. He submits that the petitioner was married 15 years ago and her matrimonial home is at Rajpura whereas, the parental home where the occurrence has taken place is in Mohali. He submits that the allegations made in the FIR are false and frivolous and the petitioner has been named in the FIR only being the sister of the husband of the deceased. He has submitted that even from the reading of the allegations, there is no specific allegation against the petitioner. He submits that petitioner has never caused any type of harassment whatsoever to

the deceased but due to the unfortunate death of the deceased, the complainant in order to widen the scope of the FIR has implicated all the members of the family. He has submitted that petitioner is mother of two children and is behind bars since 02.04.2021. He submits that in the facts and circumstances of the case, the petitioner deserves to be enlarged on bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that subsequent to the registration of the FIR, the charges are also framed under Sections 302, 304-B, 201 read with Section 120-B IPC. He submits that the unnatural death of Ruksana @ Rozy has taken place within seven years of the marriage and hence, presumption under Section 113-B is attracted. He has also apprised the Court that after investigation, challan was presented and the charges are framed and now there are in all 18 prosecution witnesses who are yet to be examined.

I have heard learned counsel for the parties and perused the records.

Petitioner is sister-in-law of the deceased. She was married 15 years ago and residing at matrimonial home i.e. at Rajpura. No doubt that in the present FIR, she is being prosecuted in the offence under Section 304-B IPC, however, the Court would refrain from commenting anything upon the merits of the case at present. The evaluation of the veracity of the allegations is a subject matter of trial Court on the conclusion of the trial. All the three family members are behind bars. Investigation is complete and the charges are also framed.

In view of the attending position, there does not appear to be any apprehension for any impediment in the ongoing trial. In the overall facts and circumstances of the case, it is apparent that the trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Keeping in view the abovesaid

facts, this Court finds that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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