

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

**CRM-M-34453-2022 (O&M)
Date of Decision :10.08.2022**

REKHA

...Petitioner

Versus

STATE OF UT, CHANDIGARH

...Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Ravinder Rana, Advocate
for the petitioner.

Mr. Sumit Jain, Additional P. P., UT, Chandigarh.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.239 dated 17.9.2019, registered under Section 304-B (with alternate charge of 302 of IPC framed by the learned Trial Court), at Police Station Sector-31, Chandigarh.

As per facts of the case, the present FIR was lodged by Vijender Singh i.e. the brother of the deceased. It was alleged that his younger sister Pinki aged 20 years was married with Gian Singh on 14.10.2018 as per Hindu rites. Sufficient dowry was given in the marriage as per their capacity. However, after the marriage her husband and other family members were not satisfied with the same and hence, she was being harassed by her in-laws. It was alleged that his sister used to tell about the harassment caused to her by her in-laws. On 17.9.2019, Gian Singh i.e. the husband of the deceased conveyed his mother on phone that her daughter is no more and called at Sector-32, Hospital. After reaching there, they found that his sister died due to poisoning. The FIR was lodged to take legal action against the accused. On lodging the

FIR, the investigation commenced. The husband of the deceased was arrested, however, during the course of investigation, the investigating agency did not prefer to seek the custody of the petitioner. The challan was duly presented. Thereafter, the petitioner was arrested on 03.04.2022. The petitioner approached the learned Additional Sessions Judge, Chandigarh for grant of bail, who after hearing the parties, declined the same vide its order dated 13.07.2022. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner vehemently contends that as a general tendency the petitioner and the other family members were roped in the present FIR. He submits that though the deceased died within one year of her marriage, however, the petitioner who is the Aunt (Chachi) of husband of deceased has no role whatsoever in causing harassment and cruelty to the deceased. He submits that the petitioner was living separately from the deceased and thus, there was no occasion for her to harass the deceased for demand of dowry as alleged in the FIR. He has submitted that co-accused namely Gyan Singh (husband of the deceased) and Shakuntla (Sister-in-Law/Jethani) were arrested and granted bail by this Court vide order dated 16.05.2022 and 07.07.2022, respectively. He has submitted that from the facts and circumstances of the case, it is clear that the present FIR was lodged on 17.9.2019 and the petitioner was arrested after a long gap of about 2½ years i.e. on 03.04.2022 which is enough to conclude that the complicity of the petitioner was not free from doubts and hence, the investigating agency did not prefer to seek the custody of the petitioner. He has submitted that the petitioner is married woman and has no criminal antecedents. He submits that even otherwise the prosecution has already examined all the

material witnesses and thus, there cannot be any apprehension projected on the part of the petitioner to tamper with the prosecution evidence. He submits that in the overall facts and circumstances, the petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and submitted that unnatural death has taken place within one year of marriage. The petitioner has been named alongwith other accused in the FIR. However, he candidly acknowledges that the investigating agency sought the custody of only husband of the deceased, who had been granted regular bail by this Court on 16.5.2022. He submits that the presumption under Section 113-B of Evidence Act is attributed in the case, hence, no case for bail made out against the petitioner.

Heard.

Petitioner is admittedly Aunt (Chachi) of the husband of deceased. She was living separately from the deceased and her husband. The petitioner has been taken into custody on 03.04.2022 i.e. virtually after about 2½ years of the lodging of the FIR. There is nothing on record showing that the petitioner has criminal antecedents or she has ever tried to tamper with the evidence during the on going trial. Besides this, the prosecution has already examined the material witnesses.

The veracity of the allegations would be evaluated by the trial Court only after conclusion of the trial. In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on

bail 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.

10.08.2022
Riya

(RAJESH BHARDWAJ)
JUDGE

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