

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.214

Case No. : Crl. Misc. No.M-38884 of 2021

Date of Decision : January 10, 2022

Nirmala Devi		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.
(Through Video Conferencing)

Present : Mr. H. S. Randhawa, Advocate
for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

Mr. Jagtar Singh Sidhu, Advocate
for the complainant.

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MANJARI NEHRU KAUL, J. (Oral) :

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0010 dated 03.06.2021 under Sections 306, 120-B, 201 IPC registered at Police Station Bhawanigarh, District Sangrur .

Learned counsel *inter alia* contends that false allegations of harassment have been levelled against the petitioner, who happens to be mother-in-law of the deceased. He further submits that the allegations levelled by the complainant that the deceased ended her life due to mental and physical torture meted out to her on account of dowry demands, could not be sustained as the presumption qua abetment of suicide by a married woman under Section 113(A) of the Evidence Act would not arise in the instant case as admittedly, the deceased died after 10 years of her marriage with the petitioner's son. Learned counsel further submits that during the lifetime of the deceased, no such complaint was ever made by the complainant or by the deceased herself with respect to any harassment, much less, for demand of dowry. He submits that similarly situated co-accused i.e. father-in-law of the deceased has since been extended the

concession of interim bail by this Court vide order dated 09.09.2021 (Annexure P-4).

Learned counsel submits that in compliance of the order dated 20.09.2021, the petitioner has joined investigation and co-operated with the investigating agency.

Learned State counsel, assisted by the counsel for the complainant, on instructions from ASI Sukhpal Singh, does not dispute the factum of the petitioner having joined investigation. Learned State counsel further submits that the petitioner is not required for further investigation much less for custodial interrogation.

Learned counsel for the complainant has, however, opposed the prayer made by learned counsel for the petitioner for grant of anticipatory bail in the wake of specific allegations levelled of subjecting the deceased to mental and physical harassment, for not getting dowry as per his expectations.

In view of the above, the petition is allowed and interim order dated 20.09.2021 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

January 10, 2022

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**(MANJARI NEHRU KAUL)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No</i>