

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35098-2022

Date of Decision: 09.12.2022

BALVIR KAUR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 202 dated 05.07.2021 under Sections 304-B and 34 IPC registered at Police Station Sadar Mansa, District Mansa.

Custody certificate has been placed on record.

Briefly, the allegations against the petitioner are to the effect that she is mother-in-law of the deceased. The marriage of the deceased was solemnized with Lakhwinder Singh, the son of the petitioner, about 08 months prior to the occurrence. The deceased was running 5th/6th month of pregnancy and petitioner alongwith her son had been pressurizing her to bring more dowry. The deceased had died on account of consumption of some poisonous substance on 04.07.2021.

Learned counsel for the petitioner contends that the petitioner is mother-in-law of the deceased. There are general and vague allegations with regard to demand of dowry. No specific instance has been pointed in the FIR nor it has been specified as to which particular item of the dowry was demanded. The petitioner is aged about 45 years and is a heart-patient. The petitioner is in custody for a period of 01 year, 04 months and 19 days and

she is not involved in any other case.

Learned State counsel has opposed the bail application on the score that the death has occurred within a period of about 08 months from the marriage and the deceased was on family way. As per the report of chemical examiner, organophosphorus compound has been found in the viscera. So far, 03 out of 11 witnesses have been examined.

It is no doubt true that the deceased was on family way at the time of occurrence but it is significant to note that the petitioner is the mother-in-law of the deceased. There are vague allegations in the FIR with regard to demand of dowry and beatings being given to the deceased. It has not been specified as to which articles of dowry were being demanded by the petitioner. The petitioner is stated to be heart-patient and is in custody for a period of 01 year, 04 months and 19 days. So far, only 03 out 11 witnesses have been examined and conclusion of trial is likely to take some. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate//Duty Magistrate.

09.12.2022
smriti

(VIVEK PURI)
JUDGE

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