

CRM-M-38843-2022

Date of decision: 07.09.2022

SURJIT KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Jaidka, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Surjit Kaur-petitioner is seeking regular bail in the case bearing FIR No.18 dated 24.02.2022, under Sections 304-B/34 IPC, registered at Police Station Dehlon, District Ludhiana.

Briefly, the FIR has been registered on the basis of the statement of the brother of the deceased alleging that the marriage of his sister-Satjit Kaur was solemnized with Narinder Singh on 13.02.2020 and a daughter has been born from the wedlock. The petitioner along with her husband-Dharamjit Singh and son-Narinder Singh had been maltreating the deceased on the score that she had given birth to a girl child and raising demand of a bigger car. The deceased has committed suicide by hanging.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 06 months and 12 days and the material witnesses have not supported the prosecution version. The remaining witnesses to be examined are official witnesses only.

On instruction from HC Sukhwinder Singh, learned State counsel has not assailed the aforesaid factual aspects but has opposed the bail application on the score that there are serious allegations of commission of dowry death levelled against the petitioner.

It may be mentioned here that the marriage of the deceased was solemnized on 13.02.2020 with the son of the petitioner. She died under other than normal circumstances within a period of little more than two years from the date of marriage. However, the other essential ingredients with regard to the offence under Section 304-B IPC are not made out particularly because Amandeep Singh-complainant PW-1, Sukhdev Kaur-PW-3, the mother of the deceased and Harbhajan Singh-PW-4, the ex-Sarpanch of village have not supported the prosecution version. It is emerging in the statements of the complainant and the mother of the deceased that the deceased was happily residing in the matrimonial house after her marriage and she never made any complaint with regard to the behaviour of her in-laws family. They have expressed their ignorance with regard to the reasons which might have prompted the deceased to commit suicide. The material witnesses have not supported the prosecution version and the remaining witnesses are official witnesses. Petitioner is in custody for a period of 06 months and 12 days and is not involved in any other case. She is the mother-in-law of the deceased and the conclusion of the trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

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

The petition is allowed accordingly.

07.09.2022
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(VIVEK PURI)
JUDGE

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