

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

CRM-M-44366-2022 (O&M)

Date of Decision:18.11.2022

1) KIRAN BALA ALIAS KIRAN SAINIPetitioner

VS

STATE OF PUNJAB ...Respondent

And

2) CRM-M-44939-2022

SANDEEP SINGHPetitioner

VS

STATE OF PUNJAB ...Respondent

And

3) CRM-M-46780-2022

UMA RANIPetitioner

VS

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Rahul Bhargava, Advocate
for the petitioner in CRM-M-44366-2022.

Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner in CRM-M-44939-2022 and
CRM-M-46780-2022.

Mr. Kunwarbir Singh, Asstt. A.G., Punjab
Mr. Arnav Sood, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioners in all the three petitions have filed the

instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.137 dated 31.08.2022 under Section 304-B of IPC registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

As per the facts of the case are that Davinder Kaur-complainant gave her statement to the Police that she is having a son Mandeep Singh residing in Dubai and her younger daughter i.e. the victim who was married with Ajay Kumar on 20.08.2017. Her husband Jagtar Singh had expired about 4/5 months ago. It was second marriage of both Harpreet Kaur and Ajay Kumar. Out of this wedlock, Harpreet Kaur has a daughter Jasleen Saini aged about 04 years. After few days of marriage Bimla Devi (mother-in-law), Uma Devi (Sister-in-law) wife of Sandeep Singh, Kiran Bala wife of Vishal and husband of her daughter Ajay Kumar started harassing her and even used to beat her on account of their demand of dowry. She was beaten up several times and turned out the matrimonial home for their demand of cash and other articles, but there was no change in their behaviour. On the night of 30.08.2022 at about 9:30 PM, Ajay Kumar called her and told her that Harpreet Kaur-victim and his mother-in-law Bimla Devi had a quarrel and he was bringing back Harpreet Kaur to the parental house. Thereafter, on 31.08.2022 at about 8:00 AM, she again received a call from Ajay Kumar that condition of Harpreet Kaur is serious and she was admitted in Aman Hospital in Hoshiarpur. She along with relatives reached there and found Harpreet Kaur dead and there were hanging marks on her neck. Her daughter ended her life as Ajay Kumar, Bimla Devi, Uma Devi, Kiran Bala and Sandeep Singh tortured her. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner Kiran Bala @ Kiran

Saini argued that Kiran-petitioner is not keeping good health as she was having back pain and she getting treatment from NHS Hospital. She is married to Vishal Kumar who is serving in Indian Army. She was living in matrimonial home and never interfered in the married life of the victim. She is having a daughter who is about 03 years old. In fact Harpreet Kaur was suffering from Epilepsy and she was getting treatment from DMC Hospital, Ludhiana. All the allegations against her are ambiguous and without any basis. During those days her father was admitted in NHS, NASA and HUB Super-Specialty Hospital at Jalandhar for Knee replacement surgery. Therefore, there is no question of any maltreatment or harassment caused to the said victim.

Learned counsel for Sandeep Singh argued that he is falsely involved in this case. The allegations against him are vague and without any basis. He is named only because he is brother-in-law of the husband of the deceased. The entire family is falsely implicated. The petitioner is a Government employee. He has nothing to do with this case and he never raised any demand of dowry nor ill treated the deceased. He also pointed out that it was deceased who was having health issue on account of seizure. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

Learned counsel for the petitioner-Kiran Bala @ Kiran Saini also argued that the bail application by alleging that all the allegations against her are false. She got married long time ago and is residing in the matrimonial home. She is having two children in the age group of daughter about 16 years and son 12 years. The allegations of demand of dowry are unnatural and improbable. During those days father-

in-law of the deceased was admitted in the Hospital on account of Knee replacement. There was no occasion of maltreating the deceased victim. The deceased was having health issues as argued by the counsels for other petitioners. She is ready to join the investigation. It is prayed that her anticipatory bail application may be allowed.

Bail applications are opposed by counsel representing the State. It is argued that there are specific direct allegations against all the petitioners for maltreating the deceased victim which compelled her to end her life. Considering the gravity of offence they are not entitled to the concession of anticipatory bail.

I have considered the arguments advanced before me. I have gone through the record carefully.

It is a case of unnatural death of the deceased victim who got married with Ajay Kumar on 20.08.2017 whereas the occurrence took place on 31.08.2022 within 04 years of marriage. Out of this wedlock, the deceased victim has left behind her minor daughter, aged about 04 years. The FIR has been registered on the statement mother of the deceased victim who has levelled specific allegations of continue harassment caused to the deceased victim on account of their demand of dowry. The health issue of deceased victim has nothing to do with the present occurrence. The post-mortem report of the deceased is on the record according to which there was legature mark on the neck and the definite opinion regarding the cause of death is to come after receiving the report of chemical examination laboratory but one thing is clear that this is a case of un-natural death. Considering the specific allegations and the gravity of offence I do not find a fit case for anticipatory bail to the

petitioners who are yet to join the investigation. Therefore, finding no merits in the anticipatory bail applications referred above the same are accordingly declined.

A Copy of this order be placed on the file of the connected case.

18.11.2022
pry

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No