

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

CRM-M-50370-2021
Date of Decision: 6.7.2022

Saroj Talwar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. A.P.S. Chaudhary, Advocate, for the petitioner.
Mr. Rakeshinder Singh Sidhu, AAG, Punjab.
Mr. Akshit Grover, Advocate and
Mr. Deepak Girotra, Advocate for
Mr. Rajeev Kwatra, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.169 dated 25.8.2021, registered under Sections 304-B/34 IPC, at Police Station Tibba, Police Commissionerate Ludhiana.

It has been contended by learned counsel for the petitioner that the petitioner is the mother-in-law of deceased-Sandeep Kaur @ Simmi. He submits that as per the FIR, the marriage of the son of the petitioner, namely, Vinod Talwar took place with the deceased on 24.8.2018. Out of the marriage, a daughter was born. He submits that due to the matrimonial discord, the deceased left the matrimonial home alongwith the minor daughter 8 months prior to the occurrence. He submits that the deceased committed suicide at her sister's home by hanging herself. He has submitted that the petitioner has no role whatsoever in causing any harassment and cruelty to the deceased. He submits that the alleged suicide note also did not

allege any specific allegation against the petitioner and hence, no cognizable offence is made out against the petitioner. He has submitted that there are no allegations of demand of dowry soon before the death of the deceased, hence, the presumption under Section 113-B of the Evidence Act, is not attracted. He submits that the petitioner already disowned her son Vinod Talwar and his wife Sandeep Kaur @ Simmi. He further submits that the petitioner is behind bars since 25.8.2021 and hence, she deserves to be enlarged on bail.

Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submitted that the marriage in question took place on 24.8.2018 and the deceased committed suicide on 24.8.2021 i.e. within three years of marriage. He submits that there are specific allegations of causing cruelty and harassment by the petitioner and other family members to the deceased. He submits that after the death of deceased suicide note was also recovered, wherein, deceased had elaborately given details of the harassment caused to her by the petitioner and other family members. It had been mentioned in the suicide note that the husband of the deceased was not only earlier married, but he was father of one child, which was clandestinely concealed by the petitioner and other family members from the deceased. Thereafter, the petitioner started harassing the deceased especially after the birth of girl child. The petitioner shunted out the deceased from her matrimonial home. She was persistently being commented upon by the petitioner for giving birth to a girl child. He submits that the investigation is already complete and the trial Court has already taken cognizance of the case. However, in the facts and

circumstances of the case, the petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and perused the record.

Admittedly, the marriage of the deceased Sandeep Kaur @ Simmi took place with Vinod Talwar i.e. the son of the petitioner on 24.8.2018 and she committed suicide three years thereafter on 24.8.2021 i.e. the date of wedding anniversary. On perusal of the FIR, it is apparent that the husband of the deceased Vinod Talwar, her mother-in-law Saroj Talwar i.e. the petitioner used to harass her for demand of dowry. The petitioner used to harass the deceased for earning more, so that her son Vinod Talwar would do no work. The deceased was shunted out of the matrimonial home by the petitioner. She was being tortured for giving birth to a girl child, hence, presumption under Section 113-B of the Evidence Act is attracted. The suicide note gives an elaborate version of harassment caused to the deceased. On the appreciation of the facts and circumstances, it is apparent that the deceased died an unnatural death within three years of marriage on account of alleged harassment on account of demand of dowry. Keeping in view of the overall facts and circumstances, the Court do not find any merit in the present case, hence, the same is hereby dismissed.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

6.7.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE