

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-50990-2021 (O&M)

Date of decision: 19.05.2022

Manjit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.P.S.Tung, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the State-respondent.

Mr. Amit Chaudhary, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Code') for grant of regular bail in FIR No.0053, dated 25.07.2021 registered under Section 306, 34 Indian Penal Code, 1860, (for short 'IPC') which has been later on converted into Section 304-B, IPC, at Police Station Ajitwal, District Moga.

Version of the prosecution is that FIR, Annexure P-1 has been registered on the statement of Sewak Singh on the allegation that his

daughter was married to Manjinder Singh on 01.12.2019. He had spent huge amount on the wedding as per his financial capacity, but his daughter's mother in-law, Manjit Kaur, present petitioner, used to harass her and instigate her son to trouble her. His daughter confided in him when she came to her paternal home but the petitioner convinced her and sent her back to her matrimonial home. His son-in-law came to his native village on one month's leave and his daughter was continuously harassed by him on the provocation of his mother, Manjit Kaur. Yesterday, at about 8:00 p.m., he received a telephonic call from his son-in-law that his daughter had committed suicide by hanging. He immediately rushed to the hospital and found that his daughter had been brought dead.

Counsel for the petitioner has argued that there is no allegation regarding demand of dowry in the FIR lodged by the father of the deceased and the offence under Section 304-B IPC is not made out. He asserts that the petitioner, who is a 65 years old lady and is in custody since 29.7.2021 deserves to be enlarged on bail as the challan has been presented and she is no longer required for custodial interrogation. By making a reference to the medical certificate, dated 21.05.2021 Annexure P-3, counsel urges that her medical condition is such that she needs constant care and attention, which is not possible in the jail premises and in the alternative, has sought her release on ad-interim bail.

Per contra, learned State counsel upon instructions from ASI Faily Singh and by placing reliance upon the status report filed by way of affidavit of Assistant Superintendent of Police, Nihalsinghwala, District Moga, which is taken on record, has opposed

the petition and has submitted that Dharampal Singh, brother of the deceased has recorded a supplementary statement alleging that Manjit Kaur, present petitioner had raised a demand of Rs. 8 Lacs for purchase of a car and had harassed the deceased when the demand was not met. He submits that on the basis of his statement, Section 304-B IPC has been added. He has also filed affidavit of Assistant Superintendent of Police, dated 19.04.2022 verifying the medical certificate, Annexure P-3.

Heard counsel for the parties.

At the stage of decision of an application for grant of bail to an accused, the Court is not required to hold a mini trial, however, the nature of the allegations levelled in the FIR and the attending circumstances have to be kept in mind. The petitioner is the mother-in-law of the Ramandeep Kaur, who has died in abnormal circumstances within 7 years of marriage and there are allegations of demand of dowry and tormenting on account of non-fulfillment of demand. *Prima facie*, necessary ingredients of the offence under Section 304-B IPC are satisfied. Supreme Court in ***Parvati Devi Versus State of Bihar now State of Jharkhand***, 2022(1) RCR (Criminal) 509, has held that in these circumstances, the Court shall proceed on a presumption that the persons who have subjected the deceased to cruelty or harassment in connection with the demand of dowry have caused her death within the meaning of Section 304-B, IPC. Although, the presumption is rebuttable and can be dispelled by the accused if they are able to demonstrate through cogent evidence that the ingredients of the offence are not fulfilled but the same will be subject matter of trial. Furthermore, the prosecution evidence has

not started and neither the complainant nor the brother of the deceased, both of whom are material witnesses, have been examined.

Insofar as the health of the petitioner is concerned, suffice it to say that although a year old medical certificate of the deceased, which was issued prior to her arrest, has been ascertained by the State but there is no material on the record nor any such material could be referred to by the counsel, to show that the petitioner is ailing or has any medical complications.

In view of the above, there is no merit in the application seeking release on ad-interim bail nor in the main petition. Both are consequently dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

19.05.2022

pooja saini

**(SUVIR SEHGAL)
JUDGE****Whether Speaking/Reasoned : Yes/No****Whether Reportable : Yes/No**