

**In the High Court for the States of Punjab and Haryana at
Chandigarh**

Date of Decision: February 08, 2022

1. CRM-M-51070-2021

Sukhwinder Singh *Petitioner*
Versus
State of Punjab *Respondent*

2. CRM-M-54390-2021

Davinder Kaur ... *Petitioner*
Versus
State of Punjab ... *Respondent*

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ritu Punj, Advocate, for the petitioner(s).

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate,
for the complainant.

Vivek Puri, J.

Both the aforesaid petitions have been taken up through
Video Conferencing due to Covid-19 Pandemic.

By this common order, both the afore-said CRM-M-51070-
2021 and CRM-M-54390-20221 are being decided together as similar
facts are involved in both the petitions and have arisen out of same FIR.

The petitioners are seeking anticipatory bail in the case
bearing FIR No. 108, dated 11.10.2021, under Sections 304-B/34 IPC,
registered at Police Station Kalanaur, District Gurdaspur.

Briefly, the FIR has been registered on the basis of the
statement of Kulbir Singh alleging that the marriage of his daughter
Roopjit Kaur was solemnized with Iqbal Singh on 09.02.2020. Iqbal

Singh is serving in Indian Army. A son was born from the wedlock. Sufficient dowry articles were given at the time of marriage, but the family members of the in-laws of the deceased and her husband had been taunting her for bringing less dowry. On 21.09.2021, the family members of her in-laws demanded a sum of Rs. 1 lakh. The complainant raised a loan of Rs. 60,000/- and handed over the same after visiting the house of in-laws of the deceased. The elder sister-in-law Simarjit Kaur and her husband Gurmukh Singh @ Gora used to mentally torture the deceased. Few days prior to the occurrence, the deceased had telephonically informed the complainant that she was having threat to her life from the petitioners, Gurmukh Singh alia Gora and his wife Simarjit Kaur. The complainant telephonically informed Iqbal Singh who told him not to visit to his house. On 07.10.2021, the complainant received a telephonic call from Gurmukh Singh @ Gora that Roopjit Kaur has hanged herself. The complainant came to the hospital where the deceased was in a serious condition with marks on her neck. Subsequently, she died during the course of treatment. It was suspected that the deceased had been killed by hanging by her in-laws in connivance with each other.

Learned counsel for the petitioners contends that the petitioners are the father-in-law and mother-in-law of the deceased. One year old child of the deceased is residing with them as the husband of the deceased is serving in Indian Army and posted in Siachen.

On the contrary, the bail applications have been resisted by the learned State counsel, as well as, learned counsel for the complainant on the score that the marriage took place on 09.02.2020 and the death

took place on 11.10.2021 i.e. within a period of less than 2 years from the date of marriage. There are allegations with regard to demand of dowry and the death has occurred otherwise than under normal circumstances.

It is significant to note that the husband of the deceased is stated to be serving in Indian Army and posted in Siachen. It has not been disputed that at the time of occurrence, the deceased was residing in the house of in-laws with the petitioners. The marriage took place on 09.02.2020 and death had taken place on 11.10.2021 i.e. within a period of less than 2 years. The deceased has also left behind one year old child. There is categoric and specific allegation of demand of Rs. 1 lakh raised by the petitioners on 21.09.2021 i.e. about fortnight prior to the occurrence. Even the father of the deceased had handed over Rs. 60,000/- to the family members of the in-laws of the deceased. In the case in hand, the death has occurred otherwise than under normal circumstances within two years of the marriage and soon before the death the deceased was subjected to cruelty by the petitioners in connection with demand of dowry. The matter requires thorough probe and investigation.

The power to grant anticipatory bail is to be exercised sparingly and in exceptional cases. The nature and gravity of accusation are significant factors to be considered while exercising power to grant anticipatory bail.

Keeping in view the entire circumstances of the case and gravity of allegations, the custodial interrogation of the petitioners appears to be essential for the proper investigation of the case and no extra

ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

Both the afore-said petitions are dismissed accordingly.

February 08, 2022
vkd

[Vivek Puri]
Judge

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