

AMANDEEP KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Ghai, Advocate and
Mr. Rishabh Singh, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI, J. (ORAL)

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

Amandeep Kaur-petitioner is seeking regular bail in the case bearing FIR No.100 dated 15.06.2021 under Sections 304-B/120-B IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Briefly, as per the allegations, the marriage of Gagandeep Kaur-deceased was solemnized with Gurpreet Singh, co-accused on 07.03.2021. The deceased has committed suicide by consuming some poisonous substance on 15.06.2021.

Learned counsel for the petitioner contends that the petitioner is the unmarried sister-in-law of the deceased. The allegations were also levelled against the mother and another sister of the petitioner but they were found innocent during the course of investigation. Although, the death had taken place within a period of 04 months from the date of marriage but the matrimonial dispute had cropped up on the score that the deceased was having relationship with some other person. The brother of the petitioner had instituted

a petition under Section 10 of Hindu Marriage Act for Judicial separation. Even, the deceased had submitted an application Annexure P-3 to the Officer Incharge, PS Kotbhai, to the effect that her husband and two sisters are harassing her on the score that she had been receiving calls from someone else on the mobile phone. There is no allegation in the said application to the effect that she had been subjected to cruelty or maltreatment on account of demand of dowry. Furthermore, petitioner is in custody for a period of 01 year, 01 month and 29 days and is not involved in any other case. Similarly placed co-accused, namely, Mandeep Kaur, the sister of the petitioner has also been granted regular bail by this Court in terms of order dated 08.09.2022 passed in CRM-M-29818-2022. Till date, no witness has been examined.

Learned State counsel has not disputed the fact that out of 32, no witness has been examined till date, though the charge was framed on 13.05.2022. It has also not been disputed that the case of the petitioner is at parity with Mandeep Kaur, co-accused who has been granted bail. However, the bail application has been opposed on the score that serious allegations with regard to commission of dowry death have been levelled against the petitioner and the occurrence took place within a period of 04 months from the date of marriage.

It may be mentioned here that the petitioner is the sister-in-law of the deceased and is in custody for a period of 01 year, 01 month and 29 days and is not involved in any other case. Till date, no witness has been examined by the prosecutrix. There is no allegation with regard to the maltreatment or being subjected to cruelty on account of demand of dowry attributed in the application Annexure P-3 which was submitted by the deceased a week prior to her death.

The conclusion of trial is likely to take sometime. No fruitful purpose will be

accused has been granted bail and the petitioner also becomes entitled to bail on the basis of parity. 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 her furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

28.10.2022
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(VIVEK PURI)
JUDGE

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