

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M 5341/2023

Date of decision: 24.07.2023.

Deepak Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondents

**CORAM HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Inderjit Singh Luthra, Advocate for the petitioner.  
Mr. Vivek Sharma Vashisht, Advocate for the complainant.  
Mr. Jasandeep Singh, AAG Punjab

**Nidhi Gupta, J.**

Petitioner-Deepak Kumar in his first petition under Section 439 Cr.PC prays for grant of regular bail in case FIR No.240 dated 18.12.2022 under Section 304-B IPC, PS Model Town, Ludhiana.

FIR in this case was registered on the basis of complaint made by Smt. Sangeeta mother of deceased Muskaan, which reads as under:-

"Statement of Sangeeta wife of Jaswinder resident of House No.1990/8, Street No.18, Guru Gobind Singh Nagar, Barota Road, Shimlapuri, District Ludhiana. Aged about 40 years. Mobile No.9653821711. Stated that I am resident of the above stated address and is employed at Corporation, I have three children, out of them my elder daughter Muskaan was married to Amit Kumar son of Mange Ram resident of House No.267, Street No.5, Mohalla Dr.Ambedkar Nagar, P.S.Model Town, Ludhiana on November, 2020, after marriage my daughter gave birth to one son namely Anhad,

whom we out of love called Pillu, when he was one month, I raised and nurtured him for 10 months. The husband namely Amit Birla, Mother-in-law namely Urmila and Father-in-law namely Mange Ram had domestic dispute with my daughter, therefore one complaint was made at Police Station Model Town regarding the domestic dispute, wherein the compromise was affected between both the parties and my daughter after 10 months had returned to her In-laws. 5 to 5 months has been passed since then. My Son-in-law was working at saloon at Mumbai before marriage, It was settled before marriage that my daughter will stay with the boy, where ever the boy took the employment. My daughter had gone to live with him for 2 times, but he took disputes and my daughter had to return back. Now on 04.12.2022 my daughter returned after living for 25 days due to dispute, and is residing with her child at street No.5 along with the her in-laws family. On 17.12.2022 my husband met with accident, where he suffered numerous injuries, in this regard I has a talk with my daughter Muskaan for about 23 Minutes, at that time she does not talked about any dispute, My daughter asked me to visit at that moment, I convinced her that her child is too small, you can visit in the morning along with her Mother-in-law. During this at 11:45 PM I received the phone call from the Mother-in-law of my daughter namely Urmilla, who told me that Muskaan has eaten something, visit DMC Hospital as early as possible, When I alongwith my family members sister Munesh, her son Anil Kumar and My sister-in-law Sunita and her son Sashi reached the hospital, mother- in-law of my daughter - Urmila told me that Muskaan has hanged herself in her room, we took her to DMC Hospital at 9:00 PM, who died before reaching hospital. Therefore I visited the police station and described the entire incident, My daughter has died due to harassment by her husband Amit Kumar, Mother-in-law Urmila, Brother-in-law Munish resident of Ambala and Deepak resident of Street No.12-1/2, Dashmesh

Nagar, Ludhiana, necessary legal action be initiated against them. I recorded my above statement in presence of Anil Kumar, the son of my Sister-in-law and Rishipal, my Brother-in-law, which I listened and is correct".

It is submitted by the ld. counsel for the petitioner that there is no allegation against the petitioner, who is Nandoia (brother-in-law) of the deceased. Ld. Counsel submits that in the FIR only general allegations have been made against, there are no allegations whatsoever regarding demand of dowry in the FIR, and the petitioner has been falsely implicated. Ld. Counsel for the petitioner further points out that vide Investigation report dated 16.5.2023, it has been recommended that offence under Section 304-B IPC be deleted and offence under Section 306 IPC be added and there is no allegation of abetment against the petitioner. It is further submitted that during investigation, petitioner was found innocent and a cancellation report in respect of petitioner has also been filed.

Custody certificate dated 22.7.2023 produced by the ld. State counsel is taken on record.

Ld. State counsel submits that petitioner is in custody as undertrial since 22.12.2022. However, he is unable to dispute the facts as noticed above, and further submits that an application was filed by the accused party that the petitioner/brother-in-law of the deceased has no role to play.

After hearing ld. counsel for the parties, without commenting on the merits of the case and keeping in view the facts and circumstances of the case that cancellation report has been filed in respect of petitioner, and that the petitioner is in custody since last 7 months 2 days, the present petition is

**allowed.** The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

**24.07.2023.**  
Joshi

**(Nidhi Gupta)**  
**Judge**

**Whether speaking/reasoned**  
**Whether reportable**

**Yes**  
**Yes/No**