

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-8544-2023

Date of Decision: 16.08.2023

Asha Rani

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 34 dated 09.05.2022 registered under Sections 304-B read with Section 34 IPC at Police Station Sadar, District Pathankot.
2. The aforesaid FIR was registered on the basis of statement of complainant-Kashmiro widow of Balak Ram, which is reproduced as under:-

“.....I am a resident of the above address, and is doing domestic work, and I have two daughters, both daughters are married, my youngest daughter Paramjit Kaur whose marriage took place about 1/1.2 years ago with Gurdial Singh son of Sri Late Janak resident of Rajparura Police Station Sadar Pathankot with Hindu rites. Just a few days after the marriage of my daughter, her husband Gurdial Singh @ Monu, my mother-in-law Asha Rani, sisiter-in-law Veena Rani wife Rumal Chand Paama resident of Samancha Lahari, Husband of sister-in-law Rumal Chand @ Pamma and sister-in-law Radhe resident of Atpur, started taunting for bringing less dowry to my daughter and started harassing and started beating her for not bringing dowry, which my daughter told us about, about which panchayat

was also convened, on which we explained to our daughter and sent Paramjit Kaur to her in-laws' house. But my daughter's in-laws did not stop from taunting for dowry and started demanding a motorcycle. My daughter said that my mother is poor and she cannot afford a motorcycle. She has given dowry according to her status. Then my son-in-law Gurdial Singh moved to Dubai sometime after the marriage and now came back home in the first week of January 2022 and my daughter told me that I am now four months pregnant and my husband keeps suspecting me that this baby is not mine and belong to anyone else, but my daughter told her husband Gurdial Singh that the child has stayed on your arrival, my daughter's husband Gurdial Singh, mother-in-law Asha Rani, sister-in-law Veena Rani, sister-in-law Radhe, Husband of sister-in-law Rumal Chand @ Pamma all of them together used to harass my daughter to bring a motorcycle and more dowry. About which my daughter Paramjit Kaur told me about which I told my in-laws of daughter that I don't have money yet to give you a motorcycle and other dowry, I will borrow money from someone and give you a motorcycle but in-laws my daughter kept harassing my daughter, that as long as she did not bring a motorcycle, you will be in the same situation, as my daughter being unhappy because the demand for dowry was not met, on 06.05.2022 evening, eating some poison, has ended of her life. Due to which my daughter Paramjit Kaur has died. Today, me and my son-in-law Bharat Bhushan, son of Raj Kumar, resident of Railway Station, Kathua, J&K, were going to meet you that you met. Legal action be taken against the above mentioned person.....”

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. She is the mother-in-law of the deceased. It is submitted that deceased was married to the son of petitioner on 15.09.2020 and died due to consuming poison on 06.05.2022. Learned counsel further submitted that petitioner is an old lady and is suffering from age related problems. As per Chemical Examiner Report dated 09.11.2022 (Annexure P-2), 'no poison was detected in the deceased'. It is further submitted that the petitioner is in custody since 04.10.2022 i.e. for a period of almost over 10 months. The trial is likely to take long time. No useful purpose will be served by

further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

4. Learned counsel for the State has filed custody certificate dated 15.08.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 10 months and 13 days. He further submits that challan in the present case has been presented on 02.01.2023 and charges have not yet been framed by the trial Court. Nex date of hearing before the trial Court is 04.09.2023.

5. Having heard learned counsel for the parties, but without commenting on merits of the case; keeping in view the totality of the facts and circumstances of the case including the fact that there is no other case against the petitioner, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

6. Petitioner-Asha Rani, is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

16.08.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No