

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 13392/2023
Date of decision: 24.07.2023.

Urmila Devi

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

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

Nidhi Gupta, J.

Petitioner-Urmila Devi in her first petition under Section 439
Cr.PC prays for grant of regular bail in case FIR No.240 dated 18.12.2022
registered under Section 304-B IPC, at 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 petitioner is mother-in-law of the deceased. It is submitted that in the FIR blatantly false allegations have been levelled against the petitioner to the effect that deceased was subjected to torture and harassment and in fact, it was the petitioner who had brought the deceased to the hospital. Learned Counsel submits that only bald allegations have been made in the FIR and even no specific date or specific incident of alleged harassment or torture has been mentioned, and even no proof of the same has been placed on record by the complainant. It is further submitted that there are no allegations regarding demand of dowry in the FIR, and the petitioner has been falsely implicated.

Ld. Counsel further states that deceased was of unstable nature and she had been suffering from hallucinations, and earlier also deceased had tried to commit suicide. It is stated that after the deceased had tried to commit suicide by cutting her veins, she had filed Affidavit dated 27.6.2022 (Annexure P-2) wherein she had acknowledged that all the matters stood compromised between the deceased and petitioner and her family. In the said affidavit, deceased had further stated that she had now realized her mistake and had promised not to take such a step in future.

Ld. Counsel for the petitioner further points 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, who is otherwise 55 years of age and suffering from old age related diseases.

Custody certificate dated 23.7.2023 produced by the Id. State counsel is taken on record.

Ld. State counsel vehemently opposes the prayer and submits that petitioner is in custody as undertrial since 22.12.2022. It is further submitted that there are categoric and specific allegations that there was harassment of the deceased by the petitioner and her family. It is further submitted that the case is at the stage of framing of charges.

Ld. counsel for the complainant submits that marriage between the deceased and son of the petitioner was solemnized in November 2020. Date of incident is 17.12.2022. It is submitted that accordingly, the death has taken place within 2 years of marriage in the house of the petitioner. It is further submitted that complainant has alleged that deceased committed suicide because of harassment caused by her husband Amit Kumar, Urmila-petitioner(mother-in-law), Manish and Deepak. Ld. counsel for the complainant further submits that husband of deceased used to live at Bombay and was having extra marital affair.

After hearing ld. counsel for the parties, without commenting on the merits of the case and keeping in view the totality of the facts and circumstances of the case, and that petitioner is in custody since last 7 months 3 days, the present petition is **allowed**. The petitioner is ordered to be released on regular bail on furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

24.07.2023.
Joshi

(Nidhi Gupta)
Judge