

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 108

Criminal Miscellaneous No.M-18741 of 2023

Date of Decision: April 18, 2023

Gurdial Singh and another

..... PETITIONER(S)

VERSUS

State of Punjab and another

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Ms. Dhivya Jerath, Advocate for the petitioners.

Mr. Jashandeep Singh, AAG, Punjab.

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Tribhuvan Dahiya, J (Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in FIR No.343 dated 29.11.2022, under Sections 304-B & 34 IPC, registered at Police Station Rama Mandi, District Police Commissionerate Jalandhar.

2. As per allegations against the petitioners, who are father-in-law and mother-in-law of the deceased, they subjected her to cruelty and harassment on account of demands of dowry raised. Feeling harassed and humiliated, she took some poisonous substance and was admitted to Goodwill Hospital, where she died.

3. Learned counsel for the petitioner has contended that complainant in the case is not the deceased's father. In fact, he had illicit relations with the deceased' mother and that was the reason she was unable to settle in the matrimonial home despite pressure from her parents, and committed suicide. Besides, the allegations against the petitioners are general and vague in nature and the offences alleged are not made out. The co-accused/brother-in-law and his wife have already been granted pre-arrest bail by this court vide orders dated 29.03.2023 in CRM-M-15865-2023 and CRM-M-16274-2023.

5. On advance notice, Mr. Jashandeep Singh, AAG, Punjab, appears and accepts notice on behalf of respondent-State, and submits that there are specific allegations against the petitioners, and harassment by them on account of demands of dowry led to the deceased's death.

6. Submissions made by learned counsel for the parties have been considered.

7. There are specific allegations against the petitioners, who are father-in-law and mother-in-law of the deceased and were staying in the matrimonial home with her. The deceased/daughter-in-law has died unnatural death after two and a half years of marriage, and at this stage, when investigation of the case is going on and the facts alleged are yet to be established, it cannot be said that ingredients of the offences alleged are not made out against the petitioners. Grant of pre-arrest bail to the married brother-in-law and his wife, who were staying separately, is not of relevance since they stand on a different footing and the attribution to them is also different. The allegations regarding illicit relations of the complainant with deceased's mother, as argued by learned counsel, are too far fetched to have any bearing on deciding the instant petition, as also on the allegations levelled against the petitioners. Their custodial interrogation is required to establish the facts alleged and unearth the truth.

8. There is no ground to grant pre-arrest bail prayed to the petitioners.

9. Petition stands dismissed.

(Tribhuvan Dahiya)
Judge

April 18, 2023
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