

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.22296 of 2023
Date of Decision: 08.11.2023

Jaspal Kaur @ Palo

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Shreya Rana, Advocate and
Mr. Vijay Rana, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant second petition for grant of regular bail has been filed under Section 439 of Cr.P.C. by the petitioner seeking regular bail in case bearing FIR No.121 dated 12.09.2019 registered under Section 304-B read with Section 34 of IPC at Police Station Division No.7, Jalandhar, Tehsil and District Jalandhar.
2. The aforementioned FIR had been registered on the basis of statement recorded by the complainant Smt. Kaushalya alleging therein that her daughter Pooja was got married with the accused Sunil Kumar @

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Sabbi about two years back. She had given birth to a female child about eight months back. She alleged that the present petitioner Jaspal Kaur who was mother-in-law of Pooja, her husband Sunil Kumar and father-in-law Lal Chand had been harassing, taunting and humiliating her daughter since the time of marriage on account of bringing insufficient dowry. Her daughter had complained about this fact to her many times but with an intention to settle her daughter in her nuptial home, she used to pacify her and send her back there. She further alleged that about one and half months back, she had given an amount of Rs.2 lacs in cash to the in-laws of her daughter, by selling her property, but they were still not satisfied and started harassing her daughter even more. Her daughter while having telephonic conversation with her, had even expressed apprehension that she would be killed at the hands of her in-laws. She alleged that she was trying to contact her daughter through telephone from the last 2-3 days but was unable to do so and then on the previous night, father-in-law of her daughter informed her that she had committed suicide. She prayed for taking action against the culprits.

3. On the above allegations, a case under Section 304-B read with Section 34 of IPC was registered. Investigation proceedings were initiated. The postmortem examination of the dead body of the victim was conducted. The present petitioner and co-accused Sunil Kumar were arrested. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court against them and presently they are facing trial before learned trial Court. The petitioner had previously moved an application for grant of bail before a Coordinate Bench of this Court which was dismissed as withdrawn.

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4. The instant petition has been filed by the petitioner on the grounds and it was argued by her counsel that she was in custody since 12.09.2019. She was 64 years old lady suffering from several ailments. The investigation had completed. Trial has commenced and was likely to take time. She has been falsely implicated in this case. There were false, frivolous and general allegations against her. No suicide note had been left by the victim. There was nothing on record to connect her with the subject crime. Therefore, it has been argued that the petition deserves to be allowed.

5. The respondent-State has contested the petition by filing status report alleging that there were specific and serious allegations against the petitioner. Charges have been framed. Trial was going at a fast pace. Hence, he argued that the petition did not deserve to be allowed.

6. The petitioner along with the co-accused Sunil Kumar is alleged to have caused the dowry death of her daughter-in-law by subjecting her to cruelty on account of unlawful demand of dowry. As per the custody certificate, she is in custody for a period of 4 years, 1 month and 27 days.. The trial has commenced but out of 32 only 3 witnesses have been examined so far. The victim had died a suicidal death. It is debatable as to whether the petitioner had an active hand in the death of the victim and it was a case of dowry death? The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody any more. Keeping in view the period spent by her in custody, the nature of the allegations as levelled against her, her age and the other attendant facts and circumstances, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to

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her furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/CJM, Jalandhar.

08.11.2023
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(MANISHA BATRA)
JUDGE

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