

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-35944-2023
Date of Decision: 18.08.2023**

KAMLA DEVI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Jasminder Singh Thind, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking anticipatory bail in case FIR No.254 dated 07.06.2023 registered under Sections 304-B/34 IPC at Police Station Sadar Sirsa, District Sirsa.

2. Reply by way of affidavit of Deepti Garg, Assistant Superintendent of Police, District Sirsa, on behalf of the State has been taken on record.

3. Learned counsel for the petitioner contends that the marriage of the son of the petitioner was solemnized with the deceased on 21.06.2021 and a son who is aged about 11 months was born from the wedlock. The deceased had consumed some pesticide on 27.05.2023. The petitioner and her family members took her to the hospital and had borne all the expenses. But unfortunately, she passed away on 06.06.2023. Initially, the parents of

the deceased had submitted that they do not want to initiate any action and the FIR has been lodged as a result of afterthought on the following day of the death. There are vague and general allegations with regard to maltreatment in the FIR. The arrest of the son and husband of the petitioner has been effected and she has to look after 11 months' old child of the deceased.

4. On the contrary, learned State counsel and counsel for the complainant submit that the occurrence took place within a period of two years from the date of marriage. The cause of death is on account of consumption of some pesticide. The deceased remained hospitalized for a period of 15 days. There is nothing to indicate that during the period of hospitalization of the deceased, any statement of the parental family members of the deceased was recorded. The deceased remained unfit to make statement during the period of 15 days while she was in the hospital. Furthermore, even at the earlier occasion, the deceased was maltreated by the petitioner and other family members of the in-laws on account of demand of dowry and she was turned out of the matrimonial house. However, with the intervention of the respectables, she has been rehabilitated.

5. It is significant to note that there are allegations with regard to maltreatment given to the deceased on account of demand of dowry. There are allegations to the effect that even at the earlier instance she was turned out of the matrimonial home. The deceased had been residing in the matrimonial house wherein the petitioner was also residing. Merely, because the petitioner and other family members had borne expenses for her treatment, cannot be termed to be a circumstance to conclude that they have

been falsely implicated at this stage. The death has occurred within a period of two years on account of reasons otherwise than under normal circumstances. There are serious allegations with regard to maltreatment meted out to the deceased by the family members of her in-laws on account of demand of dowry. The matter requires thorough probe and investigation. As such, no exceptional circumstances are made out to extend the pre-arrest bail to the petitioner.

6. Dismissed.

18.08.2023

Janki

**(VIVEK PURI)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*