

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(215)

2023:PHHC:077966
CRM-M-49985-2022
Date of Decision: 31.05.2023

Saroj Talwar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.P.S. Chaudhary, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

This is the second petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.169 dated 25.8.2021 under sections 304-B, 34 I.P.C, registered at Police Station, Tibba, Police Commissionerate Ludhiana.

It has been vehemently contended by learned counsel for the petitioner that petitioner is the mother-in-law of deceased Sandeep Kaur @ Simmi. He submits that as per the FIR, marriage of the son of petitioner namely Vinod Talwar took place with the deceased on 24.8.2018. Out of the marriage a daughter was born. He submits that due to the matrimonial discord the deceased left the matrimonial home along with the minor daughter 8 months prior to the occurrence. He submits that the deceased committed suicide at her sister's house by hanging herself. It is submitted that petitioner has no role whatsoever in causing any harassment and cruelty to the deceased. He submits that the alleged suicide note also did not allege any specific allegation against the petitioner and hence no cognizable offence is made out against the petitioner. He submits that there are no

allegations of demand of dowry soon before the death of deceased, hence the presumption under Section 113-B of the Evidence Act is not attracted. It is submitted that petitioner had already disowned her son namely Vinod Talwar and his wife Sandeep Kaur @ Simmi. He has further submitted that the trial is not progressing as only two witnesses out of total 19 witnesses have been examined so far and the petitioner is languishing in jail for the last more than 1 year and 8 months. It is submitted that petitioner is behind bars since 25.8.2021 and hence she deserves to be enlarged on bail.

Learned State counsel has vehemently opposed the submissions made by counsel for petitioner and submits that marriage in question took place on 24.8.2018 and the deceased committed suicide on 24.8.2021 i.e. within three years of marriage. He submits that there are specific allegations of causing cruelty and harassment by the petitioner and other family members to the deceased. He submits that after the death of deceased suicide note was also recovered, wherein deceased had elaborately given details of the harassment caused to her by the petitioner and other family members. It had been mentioned in the suicide note that the husband of deceased was not only earlier married but he was father of one child which was clandestinely concealed by the petitioner and other family members from the deceased. Thereafter, petitioner started harassing the deceased especially after the birth of girl child. Petitioner shunted out the deceased from her matrimonial home. She was persistently being commented upon by the petitioner for giving birth to a girl child. He submits that out of the total 19 prosecution witnesses only 2 have been examined till date.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, marriage of deceased Sandeep Kaur @ Simmi took place with Vinod Talwar i.e. son of the petitioner on 24.8.2018 and she committed suicide three years thereafter on 24.8.2021. Deceased committed suicide in the house of her sister and not in the matrimonial home. Petitioner is the mother-in-law of deceased and is behind bars since 25.8.2021. As submitted before this court out of total 19 prosecution witnesses only 2 have been examined by the Trial Court. The trial of the case will take sufficient time. Admittedly, complainant-husband is already behind bars.

This court would refrain itself from commenting anything on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

31.05.2023

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No