

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

**CRM-M No.48794 of 2023 (O&M)
DATE OF DECISION : 08.11.2023**

Harjinder Kaur

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Pal Singh Rehan, Advocate for the petitioner

Mr. Adhiraj Singh Thind, AAG Punjab

ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.50 dated 24.06.2023 under Section 304-B of the Indian Penal Code, 1860 registered at Police Station Ghuman Kalan, District Gurdaspur.

2. The FIR in the present case was lodged on the statement of the father of the deceased wherein he stated that his daughter Rajbir Kaur aged about 28 years was married to Sukhpreet Singh, son of the petitioner, on 20.03.2018 and a daughter, namely, Sehajpreet Kaur was born from the wedlock who was about 3 years old. Soon after the marriage, the husband of

daughter of the complainant and her mother-in-law i.e. the petitioner herein started giving her taunts and beatings and she is stated to have told her father about this a number of times. It is also alleged that the complainant spoke to the husband and the mother-in-law on a number of occasions and tried to pacify them. However, they did not mend their ways. A day prior to the incident the daughter of the complainant called him up and told him that her husband and mother-in-law had given her beatings. However, he could not go to see her as he had some work at home. The daughter is also stated to have told her father that these people would murder her by giving her something. On 24.06.2023 the complainant received a call at 11.45 AM from some person from village Kunjar that his daughter had consumed some poisonous substance because of the harassment caused by her husband and mother-in-law. The complainant along with his brother and paternal uncle reached the village and saw his daughter lying dead on a cot. On the basis of the said statement, the present FIR was lodged.

3. The learned counsel for the petitioner would contend that the deceased was suffering from depression and on numerous occasions her family was explained that the deceased was not mingling with anyone and remained confined to her room. The learned counsel would further contend that there are no allegations *per se* of demand of dowry in the FIR.

4. Learned counsel for the State has placed on record a status-report by way of affidavit of Gurwinder Singh, PPS, Deputy Superintendent of Police, Kalanaur, District Gurdaspur along with post-mortem report and the Chemical Examiner's report. As per the Chemical Examiner's report the

cause of death is cardio respiratory failure as a result of Aluminium Phosphide poisoning.

5. I have heard the learned counsel.
6. In the present case the allegations against the husband and the mother-in-law are identical in nature. The husband of the deceased stands arrested and challan stands presented against him. The allegations against the present petitioner are that she had been harassing and beating her daughter-in-law. The deceased had also called up her father a day prior to the date of the incident. The said fact stands verified as per the status-report that a call was received by the father of the deceased from her mobile number 8284813595. In the post-mortem report it has been noticed that there was a gauze swab with tape present on the wrist of the left hand of the deceased and on removing the tape a needle prick mark was present. There was gauze present in the mouth also. As per the case set up, the deceased was found dead lying on a cot by her father. No explanation is forthcoming for the needle prick and the presence of gauze in the mouth of the deceased.
7. In view of the serious nature of the allegations, I do not find this to be a fit case for grant of anticipatory bail. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

08.11.2023
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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