

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

**CRM-M-52051-2023
Date of decision: 23.11.2023**

CHANCHAL

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Varun Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Status report by way of affidavit of Nirmal Singh (PPS) Assistant Commissioner of Police Central Jalandhar on behalf of the respondent-State has been filed and the same is taken on record.

2. Petitioner is seeking anticipatory bail in the case bearing FIR No.39 dated 05.05.2023, under Sections 306/34 IPC, 1860 registered at Police Station Division No.4, District Police Commissionerate Jalandhar.

3. Briefly, the FIR has been registered on the allegations that the marriage of the sister of the complainant was solemnized with Dinesh Verma, the son of the petitioner on 09.11.2020. The marriage was solemnized against the wishes of the family of the complainant. However, later on, they accepted the marriage. After sometime from the marriage, the husband of the deceased started raising demand of dowry. The complainant had been sending money to the deceased. The petitioner and her son started troubling her a lot and asking her to bring money from her parents. A sum of Rs.2,00,000/- was given to the husband of the

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deceased for purchase of a car and he had returned an amount of Rs.40,000/-. Remaining amount has not been returned. The deceased had sent many messages to the complainant to the effect that she was feeling suffocated and cannot live in the house of her in-laws. On 04.05.2023, the deceased had died on account of poisoning. She was compelled to consume poison by her husband and the petitioner.

4. Learned counsel for the petitioner contends that the petitioner is a aged lady having health issues and for her treatment purposes, she is residing with her daughter at Amritsar. It was a love marriage between the deceased and her husband. There are bald and vague allegations levelled in the FIR. The supplementary statement of the complainant has been recorded as a result of afterthought and the Penal provision of Section 304-B IPC are not attracted in the instant case.

5. On the contrary, the learned State counsel has opposed the bail application on the score that initially, the FIR was registered under Sections 306 IPC but subsequently, the offence has been altered to 304-B IPC. There are specific and categoric allegations levelled against the petitioner in the initial version given by the complainant as well as in the supplementary statement. The petitioner and the deceased had been residing in the same house. The death has occurred otherwise than under normal circumstances within a period 2½ years of the marriage. Merely, because the deceased had solemnized love marriage with the son of the petitioner, it cannot be construed as a circumstance to conclude at this stage that the deceased was not being harassed on account of demand of dowry, particularly, in view of the fact that there are categoric and specific allegations levelled against her in this regard by the complainant.

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6. It is significant to note that the marriage of the deceased was solemnized with the son of the petitioner on 09.11.2020. The death has occurred on account of consumption of poisonous substance within a period of 2½ years from the date of marriage. There are allegations with regard to demand of dowry and maltreatment meted out to the deceased on that score and the same have also been attributed against the petitioner. Furthermore, there is categorical version also emerging in the supplementary statement to the effect that the deceased had solemnized marriage on 06.10.2020 by fleeing from the house and subsequently, in order to save the reputation of the family, the marriage was solemnized on 09.11.2020 as per Hindu Rites and Ceremonies by the parental family members of the deceased. Articles of *Istri Dhan* were given at the time of marriage. The deceased was being harassed on the score that she had brought insufficient dowry and cash. A demand for Rs.20,00,000/- was also raised. Besides, the demand for a sum of Rs.5,00,000/- and a car was also raised and said allegations have been attributed to the petitioner and her son. Although, the learned counsel for the petitioner has submitted that the petitioner is residing with her daughter at Amritsar for her treatment as she is having some health issues but significantly, her address in the present petition has been mentioned as that of Jalandhar. It has not been disputed that the occurrence took place in the house wherein the petitioner was residing with the deceased. As such, it cannot be said that the petitioner was residing separate from her son and daughter-in-law. The relief of anticipatory bail under Section 438 Cr.P.C is an extraordinary relief and is not to be granted lightly. Untimely bail can seriously and adversely effect the investigation process.

7. In the peculiar circumstances of the case, the custodial interrogation of

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the petitioner appears to be essential for the fair and proper investigation of the case and no exceptional circumstances are made out the extend the concession the pre-arrest bail of the petitioner.

8. In view of the above, the present petition is dismissed.

23.11.2023

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(VIVEK PURI)
JUDGE

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