

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

293

CRM-M-2847-2024 (O&M)
Date of decision: 09.05.2024

Krishna Devi ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Veer Vikram Singh Mann, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

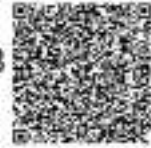
Mr. Baljinder Singh, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 262 dated 12.07.2023, registered under Sections 306, 304-B and 34 of IPC at Police Station Sohana, District S.A.S. Nagar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement recorded by the complainant Maninder Singh on 12.07.2023 alleging therein that his sister Karamjeet Kaur was married with accused Satnam Singh on

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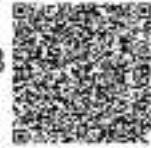


20.11.2020. The present petitioner, who is mother-in-law of Karamjeet Kaur, her husband Satnam Singh and sister-in-law Rajji Devi used to demand dowry from his sister. Satnam Singh used to extend beatings to her and she was left in his house several times. One male child was born to his sister, who is now aged about 1 ½ years. He alleged that from the past three months, his sister had been residing with him as the petitioner, her husband and her sister-in-law had thrown her out of her matrimonial house, after extending beatings to her. He alleged that he had given a Splendor motorcycle to Satnam Singh but then he started demanding a gold bracelet. The petitioner also demanded dowry and due to this, they had left his sister at her parental house. He further recorded that on 11.07.2023, accused Satnam Singh had come to his house and taken his sister back to her nuptial home at Sohana but on the very next day at about 01:20 PM, he called him and informed that Karamjeet Kaur had ended her life by hanging herself. He had rushed there and found the dead body of the victim while lying on a bed, whereas her in-laws had absconded. While alleging that his 23 years' old sister had ended her life due to ill treatment given by her in-laws, he prayed for taking action against them.

3. As per the allegations, initially, a case under Section 306 read with Section 34 of IPC was registered. Investigation proceedings were initiated. During investigation, offence under Section 304-B of IPC was also added. The petitioner was arrested on 13.07.2023. Investigation has since been completed. Challan has been presented against the petitioner and other co-accused and the trial has commenced. The petitioner had moved an

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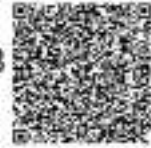
application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 31.10.2023.

4. It is argued by learned counsel for the petitioner that the petitioner is in custody since 13.07.2023. Investigation has since been completed. Trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. No suicide note was left by the victim. Neither she had recorded any dying declaration. There were vague and general allegations against the petitioner. She is 60 years' old lady and is suffering from several ailments. Hence, it is urged that the present petition deserves to be allowed.

5. Status report has been filed by learned State counsel, in terms of which, learned State counsel, assisted by learned counsel for the complainant, has argued that the involvement of the petitioner in the commission of subject offences had been established after conducting thorough investigation in the matter. The victim had died a suicidal death within a period of 2 - ½ years of her marriage with the son of the petitioner. There are specific allegations against the petitioner that she harassed the victim on account of demand of dowry. The victim had been taken to her matrimonial home by her husband, just one day prior to the incident. She had died under unnatural circumstances and there is presumption of her dying a dowry death. More so, the death had occurred in her matrimonial house, for which, no plausible explanation had come on the part of the petitioner. The allegations against the petitioner are

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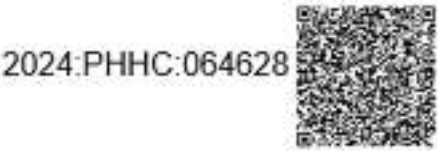


quite serious in nature. The material witnesses are yet to be examined. Therefore, he has argued that the present petition is liable to be dismissed.

6. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

7. The victim is shown to have died within a period of 2 - ½ years of her marriage with the son of the petitioner under unnatural circumstances, i.e. by committing suicide by hanging herself. The complainant, who is brother of the victim, has levelled specific allegations qua harassment of his sister by the petitioner, her son and daughter on account of demand of dowry and about the ill treatment meted out to her due to that reason, so much so that the victim had been staying with him for the past three months and just one day prior to the incident, she was taken by her husband Satnam Singh to her matrimonial house, where she committed suicide. The allegations against the petitioner are certainly grave in nature. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. It is well settled proposition of law that gravity of the offences can certainly be considered for the purpose of deciding the plea for grant of bail of an accused. Keeping in view the nature of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner is not entitled to get benefit of regular bail, at this stage. Accordingly, the petition is dismissed.

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8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.05.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>