

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

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CRM-M-5943-2023 (O&M)
Date of decision: 07.02.2024

Rajbir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

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. 130 dated 19.09.2022, registered under Section 304-B of IPC, wherein offences under Sections 498-A, 302, 201 and 120-B of IPC were added later on, at Police Station Goraya, District Jalandhar (Rural).
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant Gurdeep Singh alleging therein that his daughter Rajbir Kaur was married with Daljit Singh. Daljit Singh had gone to Dubai about 4-5 months back. He alleged that Daljit Singh used to talk with

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his parents and the petitioner, who is his sister, on phone but did not use to talk with the daughter of the complainant and whenever she tried, he used to disconnect the call. He further alleged that on 14.09.2022 at about 12:45 PM, on receiving a call from the father-in-law of his daughter that she had locked her inside her room and was not opening the door despite knocking it, he along with his wife had reached to the matrimonial house of his daughter and on reaching there, he found the dead body of his daughter lying on the bed. On the same day, the cremation of the dead body was done by the in-laws of his daughter. The complainant then came to know that his daughter had committed suicide by hanging herself with the ceiling fan as she had been dejected by her in-laws family. It was also alleged by him that they had got the cremation of his daughter done by entrapping them without getting her postmortem examination conducted. After registration of the FIR, investigation proceedings were initiated. During investigation, the petitioner and her parents were arrested. However, accused Daljit Singh, who is husband of the victim, is yet to be arrested. As per allegations, during the course of investigation, complainant recorded his supplementary statement on 29.09.2022 to the effect that the victim was subjected to cruelty by the accused on account of demand of dowry, on the basis of which, offences under Section 498-A of IPC was added. On 14.11.2022, the complainant produced a pen drive and some photographs to the police showing that a *Dupatta* was tied around the neck of the deceased and with the fan but her knees were bent upon the bed, which showed that it could not be a case of suicide. Therefore, offence under Section 302 of IPC was also added on 15.11.2022. Subsequently, offences 201 and 120-B of IPC were also added as

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the petitioner and co-accused had tried to cause disappearance of the evidence of offence of murder of the victim by not getting her postmortem examination done. The co-accused, i.e. mother of the petitioner, died on 21.11.2022. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in Court for trial of the petitioner and co-accused Surender Singh and presently, they are facing trial for commission of offences for the aforementioned offences. She had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 25.01.2023.

3. The present petition has been filed on the grounds by the petitioner and it has been argued by her counsel that she has been falsely implicated in this case. There was a delay of 05 days in lodging of the FIR, which had not been explained at all. The postmortem examination of the dead body of the victim was not got conducted on the request of the complainant and his family members themselves as they were satisfied that the petitioner and co-accused had no role in her death. He has argued that in fact the victim committed suicide due to the reason that she was mentally disturbed on account of the fact that her pregnancy had been found to be non-viable and was terminated on medical advice.

4. It is further argued by learned counsel for the petitioner that the allegations qua demand of dowry and the victim being subjected to cruelty on account of that demand were also levelled subsequently by making due deliberations and concoctions by the complainant. It was not a case of murder as the complainant was also well aware that the victim was found dead on account of hanging herself by closing the door of her room from inside. It is

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further submitted that the petitioner is in custody since 20.12.2022. The trial is likely to take some time. Even the complainant has not been examined so far. The health of the petitioner is also not good as she had been suffering from severe pain in her abdomen. The petitioner is unmarried sister-in-law of the deceased. She has been studying in Guru Nanak Khalsa College, Goraya and had no hand in commission of the subject offences. It is also submitted that there was no question of causing death of the victim even by the mother of the petitioner by harassing her as she herself was suffering from Cancer and has died in jail on 15.11.2022. It is also submitted that so far as the allegations as levelled by the complainant that the husband of the victim did not use to talk to her is concerned, the same also stand falsified from the Whatsapp chats, which had been exchanged between the victim and her husband shortly before her death. Learned counsel has brought attention of this Court to Annexure P-5, which is extract of Whatsapp chats that had taken place between the victim and her husband during the period from 31.08.2022 till 11.09.2022. Therefore, it is argued that the petitioner deserves to be given benefit of regular bail.

5. On the other hand, learned State counsel has argued that there are serious allegations against the petitioner and co-accused. Her brother, who is husband of the victim, has been avoiding his arrest so far. The victim had died within a period of 10 months of her marriage and it had come on record that she was subjected to cruelty on account of demand of dowry and the behaviour of the petitioner was also not good with her. The photographs showed that it could be a homicidal death also. The trial is going on at proper pace. Hence, it is urged that the present petition is liable to be dismissed.

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6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

7. On a perusal of the record, it is found that there are two folds allegations against the present petitioner and co-accused. As alleged in the FIR, the victim was depressed as she was feeling dejected due to the reason that her husband, who was working in Dubai, did not use to talk to her on phone and used to talk to her parents and the present petitioner only and, therefore, she had committed suicide. So far as this allegation is concerned, on perusal of Annexure P-5 (Colly.), which contains the Whatsapp chats having taken place between the victim and her husband, clearly shows that that the relations between them were normal and, therefore, it cannot be stated that the victim had committed suicide due to the reason that her husband had not been talking to her.

8. The other allegations as levelled against the petitioner and co-accused are qua causing her homicidal death. The fact that the victim had died an unnatural death within a period of 10 months of her marriage can be not ignored. The petitioner has placed on record certain diagnostic reports and medical prescriptions to show that the pregnancy of the victim had not been found viable and it was got terminated. However, at this stage there is nothing on record to suggest that this was the cause of death of the victim. The plea taken by the respondent-State is that the victim had died a homicidal death since as per photographs, shown by the complainant to the Investigating Officer during the course of investigation, her dead body was hanging in such a position, from which it appeared that the same was hanged after killing her and in a case of suicide by hanging, the dead body would not have hanged like

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that. The fact that the petitioner and her family members got the dead body of the victim cremated, without getting postmortem examination of the same conducted, is also a suspicious circumstances. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail at this stage. Hence, the petition stands dismissed.

9. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

07.02.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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