

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15918 of 2023
Date of decision: 15th February, 2024

Jaswinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anupam Bhardwaj, Advocate for the petitioner.

Mr. Amandeep S. Samra, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.268 dated 29.11.2022 for the offences under Sections 302, 34 IPC registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1).

2. On the last date of hearing, i.e. 09.11.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked her to join investigation.

“Learned State counsel, on instructions from ASI Gurnam Singh, has not disputed that as per the post-mortem report, the cause of death of the deceased was cardiac arrest. It has also not been disputed that as per the Chemical Examiner’s report, no poison was detected in the Viscera, which was sent for examination by the doctor.”

3. Learned counsel for the petitioner has reiterated that the cause of death of the deceased as per the post-mortem report was cardiac arrest and even as per the FSL report, no poison was detected in the viscera of the deceased, which was sent, hence, it was abundantly clear that the deceased had died a natural death and there was no question of any foul play as far as death of the deceased was concerned. Learned counsel has further submitted that despite there being no allegation leveled in the FIR of any dowry demand being made, the investigating agency in its wisdom had now presented a challan under Sections 498-A, 304-B of the IPC. He further submits that in compliance of the order dated 09.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation. However, he has submitted that recovery of some dowry articles is required to be effected from the petitioner. At the same time, learned State counsel has not disputed that as per the post-mortem report, the deceased had died a natural death and even no poison was detected in the viscera report sent by the FSL.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. A perusal of the FIR reveals that no allegations have been leveled against the petitioner of having either made any demands of dowry or having misappropriated the same. Hence, this Court fails to

comprehend as to what dowry articles are required to be recovered by the investigating agency, as submitted by the learned State counsel.

7. Be that as it may, once the petitioner has joined investigation and cooperated with the investigating agency with respect to the other aspects, this Court would not refrain from allowing the concession of anticipatory bail to the petitioner. In the circumstances, the petition is allowed and the interim order dated 09.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the bail granted to her.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2024
rps

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