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203/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-16367-2024 (O&M)
DATE OF DECISION : 16.10.2024

SUNITA SUBEDI

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. H.S.Randhawa, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 47 dated 04.04.2023, registered at Police Station Civil Lines, District Patiala, under Section 304-B of the IPC.

2. On 04.04.2024 following order was passed:

“XXXX

2. Learned counsel for the petitioner inter alia contends that though this is unfortunate that a young female has died by committing suicide after about two years of her marriage, however, the petitioner is only being arrayed as an accused being sister-in-law of the deceased. The petitioner is married since 23.02.2018, much prior to the marriage of the deceased which was performed on 30.04.2021 and since then the petitioner has been continuously residing at her matrimonial home at Delhi and has even given birth to a child in Delhi itself. Presently, she is expecting her second child with the pregnancy of 24 weeks' as per medical record (Annexure P-3).

3. Notice of motion.

4. Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1 and seeks time to file reply.

5. However, as per the FIR, the only allegations against the petitioner are that she had been taunting the complainant's daughter. Apart from this, the complainant had levelled general

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allegations that the victim has committed suicide on account of being harassed by all the family members, including the petitioner.

6. Learned State counsel has further informed that the husband and the father-in-law of the deceased have already been arrested and are in custody.

7. Adjourned to 16.07.2024.

8. In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to his furnishing bail bonds and surety bonds, and also subject to the following conditions:-

x x x x”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court. Referring to the submissions already recorded in the order dated 04.04.2024, it was submitted that husband and father-in-law of the deceased are already in custody. Investigation is also complete.

4. Learned State counsel has also confirmed that the petitioner has joined investigation. State counsel further informs that custodial interrogation of the petitioner is not required.

5. The present FIR was registered against the petitioner and her other family members on the basis of the statement of the complainant-father of the deceased. As per the version of the prosecution, the daughter of respondent No.2 was married to Shanker Sharma, co-accused who is brother of the petitioner on 30.04.2021. From the marriage a daughter was also born. There are allegations that husband Shanker Sharma and his other family members used to harass the daughter of the complainant. As such, she telephonically informed her father about the said harassment. On 23.11.2022, the son of the complainant brought the victim along with her minor child to her parental home. However, thereafter on 08.03.2023, she



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again went back to her matrimonial house. On 03.04.2023, the daughter of the complainant committed suicide by hanging herself. The father-in-law of the victim informed the complainant, who also reached at the matrimonial house of the victim. The victim was taken to Rajendra Hospital, Patiala. There are allegations that victim had been strangled. However, a *dupatta* was hanging with the ceiling fan of the room.

6. The allegations against the petitioner, who is married sister-in-law of the victim are that she also used to taunt the victim for not bringing sufficient dowry. It is not disputed that petitioner was not residing in the house where the victim has committed suicide. She was already married three years prior to the occurrence and was living in Delhi at a distant place. It was also noticed that petitioner was pregnant at the time of granting interim bail. The co-accused of the petitioner Shankar Sharma and Bimal Parshad are already in custody. Investigation qua them is complete and challan has already been presented. Keeping in view the role attributed to the petitioner and in view of the fact that she was already married and not residing in the house where the occurrence took place and also in view of the fact that her custodial interrogation is not required as per the State counsel, the present petition is allowed and the order dated 04.04.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

16.10.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE