

2024:PHHC:099240



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

217

CRM-M-17978-2024 (O&M)
Date of decision: 02.08.2024

Gagandeep Kaur Saran

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gurinder Singh Lalli, Advocate
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.61 dated 19.04.2023, registered under Section 304-B of IPC at Police Station Sadar Jagraon, District Ludhiana.

2. The first petition filed by the petitioner, bearing number CRM-M-62424-2023, was dismissed by this Court by passing a detailed order on 18.03.2024. The operative part of the said order reads as under:

“6. As per Section 304-B of IPC, where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her

2024:PHHC:099240



death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. In the instant case, it is clear from the report given by the board of doctors, which is annexed as Annexure R-3/T with the status report filed by the respondent-State, that the cause of death of the victim was asphyxia due to constriction of neck, which was ante-mortem in nature. It has also been opined that there was nothing to suggest that ligature mark was result of strangulation and there was no mark of injury, struggle mark or any evidence of internal injury on the other part of the body, except neck and its structures. The victim is, therefore, proved to have died an unnatural death. She was married with the co-accused Gurinder Singh on 24.06.2022. Meaning thereby that her death was caused within ten months of her marriage. The allegations against the petitioner, who is married sister-in-law of the victim, are that she used to make a lot of interference into the affairs of the in-laws of the victim. She used to visit there and speak bad words to the victim and harass her for bringing more dowry. The statements of the complainant and other material witnesses are yet to be recorded. Specific allegations have been levelled that the petitioner was also involved in the acts of harassing the victim on account of demand of dowry. As per allegations in the FIR, even on 18.04.2023, the victim had made a call to the wife of the complainant that members of her in-laws family were assaulting her on account of demand of dowry. Undoubtedly, these allegations will be decided in trial. Though the petitioner has placed on record a copy of some

2024:PHHC:099240



certificate shown to have been issued by the Sarpanch of Gram Panchayat of her matrimonial village to the effect that on the date of incident, she was present at the own home, however, no credit can be given to this document at this stage and no inference as to her not harassing the victim on account of demand of dowry can be drawn on the basis of this document.

7. The law presumes that the deaths, which are not normal, if had happened within 7 years of the date of marriage and the victim was subjected to cruelty in connection with demand of dowry made before her death, would be termed as 'dowry death' and such husband or relative shall be deemed to have caused her death. The presumption in law of 'dowry death' is meant to act as deterrent to the demand of dowry and to ensure that there is no victimization on account of that. The material witnesses are yet to be examined. The allegations against the petitioner are specific and serious in nature. Keeping in view the gravity of the 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."

3. The only ground, which has been taken by the petitioner, for filing the present petition is that her child is sick and he needs maternal care. However, no document/medical certificate has been placed on record in support of this fact. Moreover, this ground cannot be stated to be material change in circumstances, entitling the petitioner to get benefit of regular bail. Learned counsel for the petitioner has not advanced any argument, which was

2024:PHHC:099240



not advanced at the time when the first bail petition of the petitioner was dismissed on 18.03.2024. Keeping in view the same, this Court finds no ground to grant concession of regular bail to the petitioner. Hence, the present petition is dismissed.

02.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>