

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28059-2023
Date of decision: 24th January, 2024

Parampal Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hardik Ahluwalia, Advocate for the petitioner.
Mr. Parneet Singh Pandher, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
233	25.12.2016	Sadar Khanna, Police District Khanna	304B and 306 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 25.12.2016 on the basis of statement recorded by complainant-Avtar Singh alleging therein that his sister Mandeep Kaur @ Rimpny was married with accused Angrej Singh on 28.01.2016. Sufficient dowry as per the capacity of their family had been given to the family of the accused. Soon after the marriage, the accused- Angrej Singh and his family members started harassing the sister of the

complainant on account of bringing insufficient dowry and a small car. The sister of the complainant shared this fact with him many times but he used to pacify her. He further alleged that just 4-5 months after her marriage, Mandeep Kaur started remaining ill. Her treatment was got done from PGIMER, Chandigarh. He further alleged that the father-in-law of his sister who owned twelve acres of land had died and after his death, his land was inherited by the accused Angrej Singh in equal share with his brother and sister. However, the petitioner transferred his share of land in the name of his brother due to which the victim started remaining tense and this fact was disclosed by her to the complainant just one week back. On asking of the victim, the complainant had brought her to her parental house on 18.12.2016. On 24.12.2016, he had gone to his milk diary at about 6:30 AM and when he came back, he found the victim lying unconscious. She was taken to the hospital but died on the same day. He alleged that when the victim had started remaining ill after her marriage, Navneet Kaur who is cousin sister of accused Angrej Singh and her husband and both of them are doctors by profession had given her an impression that she suffered from blood cancer and thereby they harassed her. Infact, she did not suffer from any such disease. It was further alleged that the present petitioner who is daughter-in-law of uncle of Angrej Singh had also taunted the victim by saying that nothing was left for her at her matrimonial house. He alleged that his sister had committed suicide by consuming some poisonous substance on account of the harassment meted out at the hands of her in-laws including the present petitioner. On this statement, a case under Section 304-B and 306

of IPC was registered. Investigation proceedings were initiated. Initially three accused and subsequently six more persons were arrested in this case. On conducting investigation, the present petitioner was however, found to be innocent and had not been summoned and challaned. After completion of necessary investigation and usual formalities, challan was presented against the co-accused and they are facing trial for commission of the aforementioned offences.

3. It has come on record that during the trial and after recording statement of the complainant on 25.12.2016, an application had been moved by him under Section 319 of Cr.P.C. for summoning the present petitioner as an additional accused. Annexure P-2 is the copy of the order dated 05.04.2023 passed by learned Additional Sessions Judge, Ludhiana whereby the present petitioner was ordered to be summoned as an additional accused. She had moved an application for grant of anticipatory bail before learned trial Court but the same was dismissed vide order dated 25.05.2023.

4. The present petition has been filed by the petitioner seeking pre-arrest bail and it has been argued by her counsel that she has been falsely implicated in this case. She was found to be innocent during investigation and her name was kept in column No.2 of the challan report and she had not been arrested. She has been summoned on allowing of application under Section 319 of Cr.P.C. There is no *prima facie* case on record to prove her involvement in commission of subject offences. It is submitted by learned counsel for the petitioner that the victim was admitted in Department of Internal Medicine, PGIMER, Chandigarh 22.07.2016 and was discharged on

25.08.2016, whereby she was diagnosed with a disease known as NHL (Non-Hodgkin Lymphoma) which is a white-blood cell cancer and stage IV refers to last stage of cancer. She was lastly examined on 22.12.2016. Though her death was stated to have caused by consumption of some poisonous substance but admittedly she was in her parental house at that time. She was stated to have left some suicide note by saying that the present petitioner had told her that nothing had been left for her in her matrimonial home. It is submitted by learned counsel for the petitioner that even if it is presumed for the sake of arguments that the petitioner had stated so, the same did not mean any 'instigation' or 'abetment' on the part of the present petitioner for the victim to commit suicide. Infact, during the course of investigation, it was revealed and even in the status report, it has come on record that the husband of the petitioner was a Panchayat Member in the year 2016 and just few days before the death of the victim, her relatives including her parents come to her matrimonial house to settle her there and since the husband of the petitioner was not in village at that time, therefore, in his absence she had gone to matrimonial house of the victim and during the mutual conversation of both the parties, rather she had sympathized with the victim and while expressing sorrow had told her that she was being treated unfairly and no-one was supporting her in her matrimonial house. It has also come during investigation that she had no intention to hurt the victim. It is also submitted that she is ready to join investigation. Her custodial interrogation is not at all required. Therefore,, it is argued that she deserves to be extended benefit of pre-arrest bail.

5. Learned State counsel has submitted that during the course of the investigation, the petitioner was found to be innocent and it was only in pursuance of the allowing of the application under Section 319 of Cr.P.C. that she has been summoned as an additional accused by the Court and her custodial interrogation is not required.

6. I have heard learned counsel for the petitioner as well as State counsel and have gone through the record carefully.

7. As per the allegations, the victim had died a suicidal death by consuming some poisonous substance as on 24.12.2016 and as per the further allegations, she was harassed by the members of her in-laws family on account of demand of dowry and abetted death. The present petitioner is a distant relative of the deceased being daughter-in-law of uncle of her husband whose family had admittedly being living separately from the in-laws family of the victim. The petitioner has placed on record some documents to show that the victim had been diagnosed with NHL which is a form of blood cancer and had remained admitted in PGIMER, Chandigarh from 22.07.2016 to 25.08.2016. She had committed suicide in her parental home. Though as per the prosecution, in the suicide note, the present petitioner had told the victim that nothing was left for her in her matrimonial home, but by saying so, in my considered opinion, it cannot be *prima facie* inferred that she had either intentionally added or instigated the victim to commit her suicide. There is no allegation against the petitioner that she was involved in harassing the victim on account of demand of dowry or had any hand in the dowry death of the victim. Since she has been summoned as an

additional accused on account of allowing of application filed by the complainant under Section 319 of Cr.P.C., therefore, her custodial interrogation is also not required. She has already joined the trial and has been participating in the same in pursuance of order dated 31.05.2023. Her detention in such circumstances would serve no useful purpose. With these observations, I allow this petition and the petitioner is ordered to be admitted to bail subject to her appearing before the learned trial Court on or before the date fixed and furnishing bonds to its satisfaction.

8. The petition stands disposed of.

[MANISHA BATRA]
JUDGE

24th January, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |