

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.31533 of 2023

Date of decision: 18.03.2024

Paramjit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sherry K.Singla, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

Mr. Rakesh Gupta, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking grant of anticipatory bail in case bearing FIR No.44 dated 13.04.2023 registered under Sections 304-B and 34 of IPC at Police Station S.G.N. Dev Thermal Plant, District Bathinda, on the basis of statement recorded by the complainant Ravi Kumar alleging therein that his eldest daughter Amandeep Kaur was married with the accused Balwinder Singh on 11.12.2022. Shortly after the marriage, his daughter informed him that her husband was demanding an amount of

Rs.2 lacs from her for the purpose of plying cars at Chandigarh and was insisting her to arrange that amount from her family. The complainant not being in a position to give this amount of money, had told his daughter about his inability to do so. He alleged that 10-15 days thereafter, the accused Balwinder Singh called him and threatened to take his daughter from her matrimonial home if the complainant could not give money to him. He alleged that his daughter used to call him and tell that the present petitioner who is her mother-in-law and the co-accused Balwinder Singh had been repeatedly demanding money from her and were harassing her. She was even extended beatings. The petitioner used to taunt her by saying that the victim had come from a poor family in their house and that the complainant should make arrangement for the aforementioned amount. He alleged that he had tried to prevail good sense upon the petitioner and her son but they did not mend their ways. The further statement as recorded by the complainant was that a few days before the incident, she had called him intimating that the petitioner and co-accused were raising demand of dowry and she being unable to bear their taunts, would end her life. The complainant had tried to pacify his daughter and he alleged that on 13.04.2023 at about 2:30 AM, the accused Balwinder Singh had called him up and had given intimation about death of his daughter due to consumption of some poisonous substance. After registration of FIR, investigation proceedings were initiated. The co-accused Balwinder Singh was arrested. Investigation is still going on.

2. The present petition has been filed by the petitioner on the

grounds and it is argued by the counsel that she has been falsely implicated in this case. Infact, the victim was in relationship with one Ravi prior to her marriage and even thereafter both of them had been in constant touch with each other. The victim had committed suicide due to the fact that the abovesaid Ravi was blackmailing her. She had even recorded a writing Annexure P-6 on a stamp paper purchased on 27.02.2022 before her marriage affirming/indicating that she was in relationship with Ravi and had also become pregnant. He has further argued that due to the fact that the marriage of the victim could not be solemnized with Ravi, therefore, she had ended her life by committing suicide. Learned counsel for the petitioner has also brought attention of this Court towards Anneuxre P-2 which is record of some Whatsapp conversation and has argued that this conversation had infact taken place between the victim and the abovesaid Ravi and showed their relationship. It is argued that there are general and vague allegations against the petitioner which do not make out any case of her complicity in causing the death of the victim and even otherwise her death cannot be stated to be a dowry death. It is, therefore, urged that she deserves to be extended benefit of pre arrest bail.

3. The petitioner was directed to join investigation vide order dated 21.09.2023 and as informed by the respondent No.1-State, she has joined the investigation on 29.09.2023.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner

are serious and specific. The victim had died within a period of five months of her marriage with the son of the petitioner due to consumption of some poisonous substance and had committed suicide due to harassment meted out by her at the hands of the present petitioner and the co-accused Balwinder Singh. Only because of the fact that she has joined investigation, she has not become entitled to benefit of pre arrest bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The allegations against the petitioner are that she along with her son i.e. co-accused Balwinder Singh harassed the victim by raising demand of an amount of Rs.2 lacs shortly after her marriage and the victim was subjected to physical as well as mental cruelty on account of that demand and was compelled to end her life. 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 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. As mentioned above, the victim is proved to have died in unnatural circumstances within five months of her marriage. The presumption of law is that she was subjected to cruelty in connection with demand of dowry made before death. No reliance at this

stage can be placed upon Annexure P-6 which is alleged to be a writing executed by the victim, even prior to her marriage as there is nothing on record to suggest that it is infact in her writing and no explanation from the petitioner has come out as to how this writing came to her custody.

7. No doubt, the petitioner has joined investigation but only because of that fact, she has not become entitled to benefit of pre arrest bail. The well settled proposition of law is that it is a misconception of law that if no case for custodial interrogation is made out by the prosecution, then that would be a good ground to grant anticipatory bail. The first and the foremost thing that the Court hearing an anticipatory bail application should consider is that a prima facie case put up against the accused. Nature of offence should be looked into along with severity of punishment thereafter. It is also well settled proposition of law that while dealing with the application for grant of bail, the nature and gravity of the accusation, the exact role of the accused, the antecedents of the accused, severity of the punishment in the event of conviction and danger, of course, of justice being thwarted by grant of bail must be seen.

8. On applying the above discussed principles to the peculiar facts and circumstances of the instant case, where there are specific allegations qua the petitioner as well as co-accused of causing death of the victim by harassing her on account of demand of dowry to such an extent that she ended her life coupled with the factum of severity of the punishment in the event of conviction, the fact that no such extraordinary or sparing circumstance is made out in this case which justifies grant of benefit of

pre arrest bail to the petitioner, I am inclined to hold that the petition does not deserve to be allowed. Hence, the same is dismissed.

18.03.2024

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(MANISHA BATRA)

JUDGE

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