



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33037-2023
Date of decision:-17.05.2024

Manjit Kaur

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.A.S. Brar Advocate
for the petitioner.

Mr.Brijesh, AAG, Punjab.

Mr.G.S. Gill, Advocate
for respondent No.2 – complainant.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
53	25.07.2021	Ajitwal, District Moga	304-B, 34 IPC

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Sewak Singh, father of the deceased on the allegation that his daughter Ramandeep Kaur was married to Manjinder Singh on 01.12.2019. He had spent a huge amount on the wedding of his daughter as per his financial capacity but her mother-in-law, Manjit Kaur, present petitioner, harassed her and instigate her son to create trouble. When his daughter came to her paternal home, she confided in him but he



prevailed upon her and sent her back. When Manjinder Singh, who was serving in the Army came on a month's leave, his daughter was continuously harassed on the instigation of his mother, Manjit Kaur. Yesterday at about 8:00 p.m., he received a telephonic message from his son-in-law that his daughter had committed suicide by hanging.

3. Counsel for the petitioner has argued that the essential ingredients of offence under Section 304-B IPC are not satisfied. He urges that there is no allegation of harassment on account of dowry and in order to improve upon the allegations, the complainant recorded a supplementary statement levelling the allegations of demand of dowry. He asserts that after the dismissal of the previous bail petition by this Court on 19.05.2022, both the material witnesses i.e. the complainant as well as his son have been examined. He submits that the petitioner, who is a senior citizen is in custody since 29.07.2021 and deserves to be enlarged on bail as the trial is likely to take time to conclude.

4. *Per contra*, State counsel on instructions from ASI Harjinder Singh has opposed the petition. He submits that serious allegations have been levelled against the petitioner and she is responsible for the death of a young lady, who was in advanced stage of pregnancy. As per his instructions, 11 out of 25 prosecution witnesses have been examined and two witnesses have been given up. He asserts that the witnesses have supported the case of the prosecution.

5. At this stage, counsel for the petitioner submits that the prosecution has moved an application under Section 216 Cr.P.C. for



amendment of charge and in case the application is accepted, trial is likely to start *de novo*.

6. I have heard counsel for the parties and considered their respective submissions.

7. Petitioner, who is a sexagenarian has been in custody for the last more than 33 months. Both the material prosecution witnesses have been examined. Noticing that vital prosecution witnesses have been examined, period of detention, stage of the trial as well as the pendency of application for alteration of charge, this Court is of the view that the petitioner is entitled to be released on bail during the pendency of the trial. As to whether the petitioner is guilty of the offence charged would be a subject matter of debate before the Court and does not call for any comment from this Court at this stage.

8. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

17.05.2024
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No