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

CRM-46670-2024 in/and
CRM-M-37449-2024
Date of decision: 26.11.2024

Manjinder Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arshdeep Sivia, Advocate
for the applicant/petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)**CRM-46670-2024**

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record the copies of statements of PW-1-Sukhdev Singh as well as PW-2-Tej Kaur (Annexures P-3 & P-4).

In view of the averments made in the application, the same is allowed and copies of statements of PW-1-Sukhdev Singh as well as PW-2-Tej Kaur (Annexures P-3 & P-4) are taken on record subject to all just exceptions.

CRM-M-37449-2024

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.10 dated 18.03.2024 under Section 304-B of IPC registered at Police Station Lakhewali, District Shri Muktsar Sahib.



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The FIR (*supra*) was registered on the statement of the complainant by alleging that the marriage of his elder daughter, namely, Raj Kaur @ Soni was solemnized with Mandeep Singh about three months ago and at the time of marriage, he had given sufficient dowry and an amount of Rs.8 lakh was spent in the said marriage and soon after the marriage, his daughter was subjected to harassment and maltreatment by the husband and in-laws of his daughter. Thereafter, they resorted to physical violence and used to raise demand of dowry, on account of which, the complainant had given them one L.E.D and on 18.03.2024 at around 10:30 in the morning, he received a telephonic call from an unknown person who informed him that his daughter has hanged herself due to which she has expired and when the complainant and other family members reached the matrimonial house of the victim, they found her unconscious lying on the bed and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is the mother-in-law of the deceased and she has been falsely implicated in the present case. The Investigating Agency has already completed the investigation and filed the final report. Thereafter, the father and mother of the deceased were examined as PW-1 and PW-2 by the learned trial Court and their depositions are available on record as Annexures P-3 & P-4. He further refers to the aforementioned statements and submits that the prosecution witnesses have not supported the case of the prosecution and they have been declared hostile and they have clearly stated that the victim wanted to marry to someone else of her own choice.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail



to the petitioner on the ground that there are serious and specific allegations and the deceased died under suspicious circumstances within four months of her marriage in her matrimonial home, as such, it is incumbent upon the petitioner to explain the circumstances under which she has died.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 28.03.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not



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made much progress as only 03 out of 27 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Manjinder Kaur is ordered to be released on regular bail during trial on her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

26.11.2024

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