

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

CRM-31917-2024 in/and
CRM-M-38827-2024
Date of decision: 20.08.2024

....Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Bhanwala, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

CRM-31917-2024

Allowed as prayed for.

CRM-M-38827-2024

The present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR
No.102 dated 10.04.2023 under Sections 304-B/34 of IPC registered at Police
Station Sadar Kaithal.

The FIR (*supra*) was lodged on the statement of the complainant by alleging that his daughter, namely, Sonia, got married with Rahul in the year 2019 according to Hindu rites and ceremonies. He had given dowry beyond his capacity in the marriage of his daughter. It is further alleged that after some days of marriage, husband of his daughter and his mother, namely, Sanjogta (the petitioner herein) started harassing his daughter for bringing more dowry due to which his daughter came back to his parental home, however, they sent her back to settle her matrimonial affairs. Further, her in-laws tried to kill his



daughter by strangulating her neck and demanded a car. Thereafter, his daughter informed about her pregnancy as well as beatings given by her husband and mother-in-law. On 09.04.2023 at about 03:30 P.M., he got an information about the death of his daughter and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that even as per the case set up by the prosecution, there is no specific allegation against the petitioner with regard to inflicting any cruelty on account of demand of dowry immediately before the death of the daughter of the complainant, as such, the essential ingredient breaching the threshold of Section 304-B of IPC is clearly missing. It is an admitted case that three days before the death of the deceased, she had called her parents and informed them that her husband has been beating her every now and then. Further, prior to registration of the FIR (*supra*), there was no complaint whatsoever ever made by the complainant with regard to any cruelty against the petitioner or her son, since the marriage of his daughter with the son of the petitioner. He further submits that petitioner is a household lady and she has already suffered a custody of more than 01 year and 03 months.

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 the petitioner is the mother-in-law of the deceased and there are specific allegations against her. She further submits that death of the daughter of the complainant had taken place in the matrimonial home, as such, she is not entitled to any bail.

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 01.05.2023. 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 made much progress as out of 19 prosecution witnesses, none has 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.



CRM-31917-2024 in/and
CRM-M-38827-2024

-4-

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-Sanjogta alias Sanjogeeta 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

20.08.2024
Neha

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