

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50359-2022
Date of decision: 26th February, 2024

Sania

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, 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
244	03.10.2022	P.S. Gate, Hakima, Amritsar, District Amritsar	304-B and 120-B of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 03.10.2022 on the basis of statement recorded by the complainant Rajni alleging that her daughter Sheetal was married with accused Shammi about three years back. A son was born out of the wedlock. At the time of marriage, the complainant had told the family of the groom that they were poor persons and were able to serve the *Barat* properly only. She alleged that shortly after the marriage,

the in-laws family of her daughter started harassing her on account of bringing insufficient dowry. She had tried to make them understand several times but they did not mend their behaviour. She alleged that about two months back, Sheetal was extended beatings by her husband and other members of her in-laws family. The matter was reported to the police and a compromise had been effected. However, on 30.09.2022, at about 4:00 PM on receiving a call from the accused Shammi that her daughter was not well, the complainant rushed to their house, where Sajan @ Sachin Bhagat, who is brother-in-law of Sheetal was found present who took the complainant to Bajwa Hospital where the victim was admitted in ICU. She was not allowed to meet the victim. On 03.10.2022, at about 9:00 PM, the victim had died in the hospital. She alleged that the death of her daughter had been caused by the family members of her in-laws on account of demand of dowry. FIR was registered and investigation proceedings were initiated. During investigation, some of the members of the in-laws family of the victim got benefit of anticipatory bail. They had joined investigation. Accused Sham Lal, Sania and Mona were found to be innocent during investigation. The post mortem examination of the dead body of the victim was conducted and it was opined that the death was cause of hanging which was ante mortem in nature. After completion of necessary proceedings, challan under Section 173 Cr.P.C. was presented against accused Shammi and charges have been framed against him. The petitioner had moved an application for grant of bail before the learned trial Court which was dismissed vide order dated 18.10.2022.

3. The present petition has been filed by the petitioner who is

married sister-in-law of the victim on the grounds and it has been argued by her counsel that the husband (Shammi Kumar) of the victim has been granted concession of regular bail by Co-ordinate Bench of this Court vide order dated 13.09.2023 in CRM-M-44343-2023. Even otherwise, there are no specific allegations against her in the FIR as to raising any demand from the victim and causing any harassment to her leading to committing of suicide by her. It is also argued that the trial is likely to take time as no witnesses have been examined so far, despite, the fact that the charges were framed in this case as far as on 24.02.2023. Therefore, it is argued that the petition deserves to be allowed.

4. It will be relevant to mention here that vide order dated 31.10.2022, the arrest of the petitioner was stayed.

5. The respondent-State has filed status report. It is submitted in the status report that as per report submitted by S.H.O., P.S. Gate Hakima, Amritsar that before registration of the instant FIR, the victim had moved an application at the abovesaid police station alleging that her husband was a habitual drinker and he alongwith his mother used to extend beatings to her and on 25.04.2022, they had thrown her out of her matrimonial house after extending beatings to her. They used to do so previously also. She had also alleged that her husband alongwith his mother and two aunts had extended beatings to her with stick and even attempted to strangle her. She has also alleged that the entire family demanded dowry and her husband and mother-in-law always asked her to bring earrings from her parents. As per the report of SHO, Police Station Gate Hakima, Amritsar he had called both the parties

in the police station and a compromise was got effected. It is also submitted in the report that during the course of investigation, statements of witnesses under Section 161 of Cr.P.C. have been recorded who had affirmed that the victim was harassed on account of demand of dowry.

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

7. The victim is alleged to have died a dowry death within a period of three years of her marriage with accused Shammi Kumar who has since been extended benefit of bail. The present petitioner is married sister-in-law of the victim. There are allegations that all the members of in-laws family of the victim used to harass her on account of demand of dowry. However, there is no specific allegation as to what demand had been raised by the present petitioner and in what manner she had caused harassment to the victim leading to death. Keeping in view the facts and circumstances of the case, the order dated 31.10.2022 is made absolute, the petition is allowed and the petitioner is ordered to be admitted to be bail, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner(s) shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. join investigation and following conditions:-

(i) The petitioner shall cooperate with the investigation and shall appear before him as and when

required.

(ii) she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iv) she shall not commit any similar offence while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

26th February, 2024
Parveen Sharma

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