

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-55514-2023 (O&M)
Date of Decision: 18.03.2024

BALWINDER SINGH

....Petitioner

VERSUS

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.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed under Section 439 of Cr.PC by the petitioner seeking concession of regular bail in case arising out of FIR No.44 dated 13.04.2023 under Section 304-B read with Section 34 IPC, registered at Police Station S.G.N. Dev Thermal Plant, District Bathinda on the basis of statement recorded by complainant - Ravi Kumar alleging therein that his eldest daughter – Amandeep Kaur aged about 24 years was married with the petitioner on 11.12.2022. Shortly, after the marriage, her daughter called up the complainant and told him that the petitioner was demanding an amount of Rs.2 lakhs from her by saying that he needed that much amount as he wanted to ply cabs at Chandigarh and was insisting her to ask the complainant to make arrangement for the above said amount. The complainant had expressed his inability to meet with this demand. He further recorded that 10-15 days thereafter, the petitioner himself called the complainant and while raising demand of money, he threatened to take the

victim back to his house, if he could not give money to the petitioner. The complainant further, alleged that his daughter kept on calling him and also disclosed that on account of demand of money, she was being taunted and given beatings by the petitioner and his mother. The complainant with the intervention of his relatives tried to make the petitioner and his mother understand but they did not mend themselves and kept on harassing the victim by raising demand of money. He alleged that few days back, the victim had called him and told him that she could not bear the taunts and beatings given to her by the petitioner and his mother and would end her life. He had tried to pacify her at that time. He alleged that on the previous night at about 2.30 AM, the petitioner had called him and disclosed that the victim had died due to consumption of some poisonous substance.

2. After registration of case, inquest proceedings and postmortem examination of the dead body was conducted. The petitioner was arrested on 13.04.2023. Challan has since been presented in the Court. He had moved an application for grant of bail before the Learned Trial Court which was dismissed vide order dated 21.10.2023.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the victim was having extra marital affair with one Ravi Kumar prior to his marriage and used to make calls/video calls and exchange whatsapp messages with him. This fact had come into the knowledge of the petitioner and on asking though she did not give any satisfactory reply initially but then disclosed that the said Ravi Kumar used to black mail her and was trying to spoil her married life. She had started remaining under depression that was the cause of committing

suicide by her. It is submitted that the petitioner plies vehicles with OLA cab at Chandigarh and used to visit his house occasionally and, therefore, there was no question of his harassing the victim. It is also argued that no demand of dowry was ever raised by the petitioner or his family members and a false story has been concocted in this regard. Learned counsel for the petitioner has drawn the attention of this Court to some whatsapp chat which is alleged to have taken place between the victim and the above said Ravi Kumar and has argued that the petitioner deserves to be given benefit of bail.

4. Status report has been filed by respondent-State. Learned State counsel has submitted that there are serious and specific allegations against the petitioner qua harassing the victim by raising demand of money. The victim died unnatural death by consuming some poisonous substance within a period of five months of her marriage with the petitioner due to harassment meted out by her at the hands of the petitioner and his mother. The trial has commenced, material witnesses are yet to be examined. There are chances of petitioner intimidating the witnesses, if extended the benefit of bail, therefore, it is urged that petition does not deserve to be allowed.

5. I have heard counsel for the parties and have gone through the record.

6. The allegations against the petitioner are that he along with his mother had harassed the victim by raising demand of an amount of Rs.2 lakhs and she was subjected to physical as well as mental cruelty with regard to the said demand which resulted in ending the life of an innocent female within five months of her marriage. As per Section 304-B of IPC, where the death of a women 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 of dowry, such death shall be called “dowry death” and such husband or relative shall be deemed to have caused her death. In the instant case, there is no dispute about the fact that the victim had died an unnatural death by consuming some poisonous substance within a five months of her marriage. There are allegations of demand of money from her. The basic ingredients to attract the provisions of Section 304 B of IPC is that the death of the women should have occurred under circumstances which are not normal and if it is so, the law presumes that the victim was subjected to cruelty in connection with demand of dowry made before death and such death would be termed as dowry death. The presumption in law of a “dowry death” is meant to act as a deterrent to the demand of dowry and to ensure that there is no victimization because of that. In the instant case, there are specific allegations against the petitioner that soon after his marriage with the victim, he raised demand of an amount of Rs.2 lakhs for the purpose of plying cabs/car at Chandigarh. Admittedly, he plies car/cab at Chandigarh under OLA cab. The copies of whatsapp messages which have been placed on record by the petitioner as Annexure P-2 to fortify his claim that the victim had relations with one Ravi Kumar and was depressed as he was black mailing her and used to call her are not reflecting any phone number and it is not made out from their messages as to who had sent these messages to whom nor they show that any threat was

being extended by the sender of the messages. As such, no reliance can be placed upon them at this stage.

7. Keeping the serious nature of the allegations as levelled against the petitioner to the effect that due to the harassment meted out by the victim at his hands on account of unlawful demand of dowry by him, she was compelled to end her life within a period of five months of her marriage which can be presumed to be a case of dowry death, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am considered opinion that the petition does not deserve to be allowed. Therefore, the petition is dismissed.

18.03.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned

:

Yes/No
2. Whether reportable

:

Yes/No