



201 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61115-2022 (O&M)
Date of decision: 29th May, 2024

Suman Lata

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Yadav, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Aditya Sanghi, Advocate for the complainant.

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
2	01.01.2022	City Narnaul, District Mahendergarh	304-B, 498-A, 406, 34 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 01.01.2022, a ruqa was received at the Police Station regarding dead body of one Priyanka wife of Mohit, lying in the hospital and on receipt of the same, a police party had reached there, wherein the complainant Subhash Chand submitted a written complaint alleging therein



that the victim who was his younger daughter was married with accused Mohit on 15.03.2021. He had spent huge amount of money in the marriage but the petitioner who is mother-in-law of his daughter and other family members of her in-laws family were not satisfied with the same. Soon after the marriage, they started harassing the victim on account of demand of cash amount of Rs. 5,00,000/- and also raised demand of creta car. The complainant had assured to meet with this demand on birth of some child of his daughter as he had already spent lot of money and pacified them but soon thereafter, all of them started harassing his daughter by raising other demands. The accused Mohit even extended beatings to his daughter. He alleged that on the occasion of Diwali and in his presence, the petitioner had pushed his daughter, whereas, the accused Mohit slapped her and accused Rahul proclaimed that they would not keep her with them and the accused Mohit threatened to take her with the complainant and otherwise to kill her. The complainant brought his daughter back at that time. On 20.11.2021, the father-in-law of his daughter along with accused Mohit, Rohit and some relatives came to his house and while apologizing for their acts, assured to not to raise any demand in future and to keep the victim properly. She was accordingly sent back to her matrimonial house but on 01.01.2022, at about 4:00 PM on received information from the maternal uncle of accused Mohit that the victim had drowned in the tank. The complainant rushed there and found his daughter to be lying there in a critical condition. She was taken to hospital but was declared to be brought dead.



3. After registration of FIR, investigation proceedings were initiated. The co-accused Mohit was arrested on 02.01.2022. After completion of investigation, challan was presented against him, whereas the investigation against the present petitioner is under way.

4. The instant petition has been filed by the petitioner on the grounds and it has been argued by her counsel that infact, the victim was having affair with one Arun and when this fact came to the knowledge of her husband and as well as other members of his in-laws family, then accused Mohit had asked her qua the cheating done by her with him and the victim while admitting that she had committed a mistake, had herself committed suicide. It is argued that during the course of investigation and while interrogating the co-accused Mohit, copies of the mobile chats and audio recordings taken from the mobile phone of the deceased with Hindi transcription thereof were handed over to the police. They were even made part of the challan and clearly showed the victim while informing her brother that she was kept very nicely by her husband and other family members and that whatever she would do, it would be her own responsibility. Transcription of the chats made qua the abovesaid Arun, has also been placed on record. It is argued that the investigating agency has not taken the same into consideration. It is also argued that the custodial interrogation of the petitioner is not required. She is ready to join the investigation and has even approached the investigating officer 2-3 times and had infact joined investigation but this fact has also not been admitted



by the investigating officer.

5. Learned counsel for the petitioner has further argued that general and omnibus allegations have been levelled against the petitioner and her family members without specifying as to which particular act and conduct had been committed by the petitioner which amounted to harassment of the victim on account of demand of dowry. It is not a case of dowry death but a case of committing suicide by the victim as the factum of her having love-affair with one Arun and chatting with him even after her marriage, had come to the knowledge of her husband. With these broad submissions, it is urged that the petition deserves to be allowed.

6. *Per contra*, it is argued by learned State counsel assisted by learned counsel for the complainant that there are specific and serious allegations against the petitioner as well as co-accused. The victim had died within a period of nine and half months of her marriage with the accused. The allegations levelled against accused Mohit who is presently facing trial and the present petitioner are the same. Recovery of gold earrings/tops as given to petitioner at the time of marriage is to be effected and custodial interrogation is required for that purpose. Therefore, it is argued that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. The petitioner who is mother-in-law of the victim Priyanka is alleged to have subjected her to cruelty on account of demand of money or a



creta car and as per the allegations, the victim had committed suicide due to the harassment meted out at the hands of the present petitioner and the other family members of her in-laws including the husband of the victim, who is on bail and presently facing the trial. It has come on record that all the streedhan belonging to the victim has since been recovered from the co-accused Mohit. As submitted in the status report, custodial interrogation of the petitioner is required for the purpose of recovery of gold earrings which were given to her at the time of marriage of the victim. Obviously, if any, gold ornament had been given to the mother-in-law of the victim at the time of marriage, the same was given as a gift and it cannot be stated that it fell within the definition of streedhan or dowry and recovery thereof is required to be effected. Since the well settled proposition of law is that the gifts given to the family members of the groom at the time of marriage do not fall within the definition of dowry. As such, only for the purpose of recovery of the gold earrings allegedly given to the petitioner, custodial interrogation of the petitioner cannot be ordered.

9. So far as the allegations, levelled against the petitioner that she along with the co-accused had subjected the victim to cruelty and was instrumental in causing her death, which was a dowry death are concerned, the petitioner has placed on record Annexure P-3 which is some conversation shown to have taken place between the brother of the victim and herself on 28.12.2021 from the mobile phone of the victim and conversation shown to have been made between the victim and the accused



Mohit on the same day. A perusal of the same, it reveals that the victim was sharing with her brother Dinesh that she was kept well by her in-laws and if anything would be done by her, it would be her own responsibility. The transcript of the conversation made between the co-accused Mohit and herself on the same day shows the co-accused Mohit while complaining with the victim about her chatting with the abovesaid Arun and his being madly in love with her and the victim while seeking an opportunity to explain the situation to him. Though this Court while deciding the question of grant of pre-arrest bail to the petitioner cannot go into the veracity of these conversations as shown to be made on 28.12.2021 by the victim with her brother and husband respectively as it is for the trial Court to decide this question after thorough assessment and evaluation of the evidence to be produced before it during the course of trial, however, in view of the discussion as made above since as per the respondent-State itself, the custodial interrogation of the petitioner is required only for the purpose of recovery of gold earrings given to her which cannot be stated to be a recovery of streedhan and since for that purpose custodial interrogation and the victim cannot be considered to be necessary, therefore, in my considered opinion, it is a fit case for extending benefit of pre-arrest bail to the petitioner.

10. Accordingly, the petition is allowed, subject to the condition that the petitioner shall appear before the Investigating Officer within ten days and the investigating officer shall join her into the investigation on that

day and on any other date whenever required subsequently. It is further ordered that in the event of her arrest, the petitioner shall be admitted to bail on her furnishing personal/surety bonds to the satisfaction of the Investigating/Arresting Officer and shall also comply with the usual terms and conditions laid down under Section 438(2) of Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

29th May, 2024
Parveen Sharma

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