

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225

CRM-M-58961-2023

Date of decision: 21.02.2024

Babaljit Kaur @ Babli

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.194 dated 24.09.2023, registered for the offences punishable under Sections 304-B at Police Station Chheharta, District Police Commissionerate Amritsar.

2. The case set up in the FIR in question is as follows:-

“Statement of Gurmukh Singh son of Narinder Singh resident of House No. 59, Tower wali . Street Hargobind Avenue Sher Shah Suri Road Chheheretta District Amritsar, age around 47 years, mobile No. 98884-77412. I state that I am resident of the aforementioned address and I am in the property dealing business, I have three children, out of them two are my daughters and one is my son. My eldest daughter Simranjit Kaur @ Sheetal was married on 16.08.2021 according to Sikh rites and rituals to Gurprit Singh son of Bua Singh resident of House No. 69 Street No. 13 Gobindpura near Billa Tent House, Sher Shah Suri Road Chhehretta. At the marriage time I had given Istri Dhan to my daughter as per my financial limits. A motorcycle brand Hero Deluxe was given. After some time of marriage the in-laws family of my daughter started harassing her for bringing less dowry, they included her husband, Gurprit Singh, mother- in-law Nirmal Kaur, sister-in-law Babli her husband Sandip Singh resident of Raia another sister-in-law Preeti who is married at Jandiala They started demanding Royal Enfield Bullet motorcycle. They

many times beat my daughter In pursuit to see my daughter's matrimonial life happy. I many times advised them. But they continued to beat my daughter and were adamant on their demand of Royal Enfield Bullet motorcycle. Yesterday on 23.09.2023 at around 5:15 PM we came to know that owing to harassment by her in-laws for dowry my daughter Simranjit Kaur @Sheetal has consumed acid and that she is admitted at Amandeep hospital. On hearing this incidence we reached at Amandeep hospital where during the treatment my daughter breathed her last. My daughter was harassed by her in-laws so she consumed acid and ended her life A legal action be taken against husband of my daughter, Gurprit Singh, mother-in-law Nirmal Kaur, sister-in-law Babli her husband Sandip Singh resident of Raia another sister-in-law Preeti who is married at Jandiala I have stated my statement, read it and the same has been read over to me and it is correct. Sd/- Gurmukh Singh”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.09.2023 and investigation already stands completed. Learned counsel has further argued that the petitioner (herein) was married in the year 2008 and since then she has been living in her own matrimonial home in village Sadhar Rajputan, District Amritsar whereas the marriage of the deceased took place on 16.08.2021 and the deceased was living in her matrimonial home which is in village Chheheretta of District Amritsar, Punjab. It has been further argued that there is no specific allegation of the dowry harassment against the petitioner (herein). In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.02.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 24.09.2023 whereinafter investigation was carried out and challan was presented on 12.12.2023. Total 18 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties, as to effect of the petitioner being married in the year 2008 and living in a separate matrimonial home vis-à-vis the deceased who was married on 16.08.2021 and was living in her own separate matrimonial home, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of either parties. Further, no tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 20.02.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 05 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 21, 2024
Ajay

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