



CRM-M-60476-2023 (O&M)

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205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60476-2023 (O&M)
DATE OF DECISION : 17.05.2024

SUMAN

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Proxy counsel for
Mr. R.P.Dhir, Advocate the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 361 dated 13.09.2023 under Section 304-B IPC, registered at Police Station City, District Hoshiarpur.

2. On 01.12.2023 following order was passed:

“xxxx 2. Learned counsel for the petitioner contends that the marriage of the son of the petitioner was solemnized with the deceased on 25.07.2010 and the death has occurred on 12.09.2023 i.e. after a period of more than 13 years after the marriage. The penal provisions of Section 304B IPC are not even remotely attracted in the instant case. There are false and vague allegations with regard to demand of dowry and harassment meted out to the deceased. Furthermore, on 09.09.2023 the deceased had gone to her parental house where she suffered chest pain and was taken to the hospital. The death has taken place in the hospital during the period she had gone to her parental house at Hoshiarpur. Even the deceased was having history of heart ailment. Besides, she had also suffered a paralytic stroke and the family of the petitioner had spent more than Rs.10 Lakhs for her



treatment. During her lifetime, neither any complaint was submitted by the deceased or any member of her parental family with regard to demand of dowry and harassment at any Forum.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State and seeks adjournment to get instructions in the matter.

5. Adjourned to 09.02.2024.

6. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. .”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Co-ordinate Bench of this Court.

4. Learned State counsel, referring to the short reply by way of affidavit of Amar Nath, PPS, Deputy Superintendent of Police, Sub Division City Hoshiarpur, District Hoshiarpur confirms that the petitioner has joined investigation on 17.01.2024. It is further mentioned in the reply that FSL report of the viscera of the deceased has been received, as per which, no poison has been detected. The histo-pathological examination report has also been received. The Board of Doctors has given the following cause of death:-

“The board is of the view that final cause of death cannot be ascertained although natural cause of death (dt h/o stroke & epilepsy) or death d/t long standing medical problem cannot be ruled out”

5. The petitioner has joined investigation, the allegations contained in the FIR are a matter of trial and custodial interrogation of the

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petitioner is not required by the Investigating Agency. Keeping in view of the age of the petitioner, the fact that petitioner is a female and in view of the reasons recorded in the order dated 01.12.2023, the present petition is allowed and the order dated 01.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

17.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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