

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-62424-2023 (O&M)
Date of decision: 18.03.2024**

Gagandeep Kaur Saran **...Petitioner**
Versus
State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Loveneet Thakur, Advocate
for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Karan Singla, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.61 dated 19.04.2023, registered under Section 304-B of IPC at Police Station Sadar Jagraon, District Ludhiana.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 18.04.2023, an information was received at the concerned police station regarding admission of the victim Lovepreet Kaur in Kalyani Hospital, Jagraon and then in Global Hospital, Ludhiana. It was further informed to the police that she had died in Global Hospital. On receipt of this information, a police party had reached there and recorded the statement of the complainant, who alleged that his sister Lovepreet Kaur was got married with accused Gurinder Singh on 24.06.2022. Her husband along with his

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family members had started harassing her on account of demand of dowry. She was physically assaulted and mentally harassed by them. The allegations as levelled against the present petitioner, who is married sister-in-law of the victim, were that she used to interfere a lot into the affairs of the matrimonial house of the victim. She used to misbehave with her and harass her by demanding dowry. He further alleged that on 18.04.2023 at about 03:00 PM, the victim had made a call to his wife and told her that her husband and members of her in-laws family were assaulting her on account of demand of dowry. She was pacified by the wife of the complainant but on the same night, a telephonic information was given by the son of maternal uncle of the husband of the victim that her blood pressure and glucose level had gone down and she was taken to Kalyani Hospital, Jagraon and then was going to be admitted in Global Hospital. By the time they had reached at Global Hospital, she had died. He alleged that his sister had been killed by the petitioner and his family members as clear marks of strangulation could be seen on her neck. Investigation proceeding were initiated. Inquest proceedings and postmortem of the dead body of the victim was conducted. Initially, accused Atma Singh and Bakhtaur Singh were arrested. After completion of necessary investigation and usual formalities, challan was presented against them. The present petitioner was arrested on 12.10.2023. The remaining persons nominated as accused are yet to be arrested.

3. The present petition has been filed on the grounds and it has been argued by her counsel that she has been falsely implicated in this case. She is married since 2020 and had been living in her matrimonial home. It was on rare occasions that she visited her parental home. Even on the day of

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occurrence, she was in her matrimonial home and this fact has been affirmed by an undertaking given by the Panchayat of her matrimonial village. There were no specific allegations against her. She has a small child, who is suffering a lot due to her being in custody. The trial is likely to take time. No specific allegation of raising any demand of dowry had been levelled against her. Her matrimonial house is at a distance of 25 kms. from the nuptial home of the victim and, therefore, there could be no reason for her to visit her parental house and to harass the victim on account of any demand of dowry. She was not going to be the beneficiary of any demand so made. As per report of the doctors, it was a case of hanging and not strangulation. No injuries were found on the person of the victim. It is, thus, argued that the present petition deserves to be allowed.

4. Learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that there are specific and serious allegations against the petitioner that she used to interfere a lot into the family affairs of the victim. Allegations have also been levelled by the complainant qua not only assaulting the victim but also harassing her on account of demand of dowry. Challan has been presented. There is nothing on record to show that there would be any undue delay in conclusion of trial. Therefore, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. As per Section 304-B of IPC, where the death of a woman 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

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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 for 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, it is clear from the report given by the board of doctors, which is annexed as Annexure R-3/T with the status report filed by the respondent-State, that the cause of death of the victim was asphyxia due to constriction of neck, which was ante-mortem in nature. It has also been opined that there was nothing to suggest that ligature mark was result of strangulation and there was no mark of injury, struggle mark or any evidence of internal injury on the other part of the body, except neck and its structures. The victim is, therefore, proved to have died an unnatural death. She was married with the co-accused Gurinder Singh on 24.06.2022. Meaning thereby that her death was caused within ten months of her marriage. The allegations against the petitioner, who is married sister-in-law of the victim, are that she used to make a lot of interference into the affairs of the in-laws of the victim. She used to visit there and speak bad words to the victim and harass her for bringing more dowry. The statements of the complainant and other material witnesses are yet to be recorded. Specific allegations have been levelled that the petitioner was also involved in the acts of harassing the victim on account of demand of dowry. As per allegations in the FIR, even on 18.04.2023, the victim had made a call to the wife of the complainant that members of her in-laws family were assaulting her on account of demand of dowry. Undoubtedly, these allegations will be decided in trial. Though the petitioner has placed on record a copy of some certificate shown to have been issued by the Sarpanch of Gram Panchayat of her

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matrimonial village to the effect that on the date of incident, she was present at the own home, however, no credit can be given to this document at this stage and no inference as to her not harassing the victim on account of demand of dowry can be drawn on the basis of this document.

7. The law presumes that the deaths, which are not normal, if had happened within 7 years of the date of marriage and the victim was subjected to cruelty in connection with demand of dowry made before her death, would be termed as ‘dowry death’ and such husband or relative shall be deemed to have caused her death. The presumption in law of ‘dowry death’ is meant to act as deterrent to the demand of dowry and to ensure that there is no victimization on account of that. The material witnesses are yet to be examined. The allegations against the petitioner are specific and serious in nature. Keeping in view the gravity of the offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail at this stage. Hence, the petition stands dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>