



209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-65330-2023
Date of decision: 23rd May,, 2024

Saroj

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Redhu, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
120	26.05.2023	Uchana, District Jind	302, 34 of IPC, 1860 (sections 304-B of IPC added later on and Section 302 deleted)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 26.05.2023, on receipt of a telephonic information at Police Station Uchhana regarding unnatural death of one Manju wife of Rakesh, a police party had reached there, wherein the dead body of the victim was found lying. The complainant Raj Kumar, uncle of the victim recorded his statement to the effect that the victim-Manju was married with the accused Rakesh on 23.05.2021. Just 20-25 days after her marriage, her in-laws started harassing her on account of demand of dowry. As on date of



incident, she was four months' pregnant. However, she was harassed by the petitioner and her family members by taunting that the child in her womb did not belong to her husband. The complainant and other family members had tried to prevail good sense upon the in-laws family members of the victim several times but they did not pay any heed. He alleged that on the same day also, the petitioner who is mother-in-law of the victim, her husband and other family members had quarreled with the victim and on receipt of information about this fact, the complainant along with other family members had gone to her matrimonial home and had pacified husband of the victim as well as other members of his family but on the same evening, he received a telephonic message from his niece Poonam who was also married with another son of the petitioner that the victim had been strangled to death by her husband and his family members. They rushed to the hospital and then they had found her dead body to be lying there. Initially, a case under Section 302 read with Section 34 of IPC was registered. Investigation proceedings were initiated. Inquest proceedings and post mortem examination of the dead body was conducted. Subsequently, offence under Section 302 of IPC was deleted and offence under Section 304-B of IPC was added. The petitioner was arrested on 31.05.2023. The co-accused was also arrested. Presently, the petitioner along with co-accused is facing trial for the commission of abovementioned offence. She had filed an application for grant of regular bail, before the learned trial Court, which was dismissed on 16.11.2023.

3. The present petition has been filed by the petitioner on the



grounds and it is argued by her counsel that she has been falsely implicated in this case by misusing the process of law. There are vague and general allegations of demand of dowry and harassment has been levelled against her and her family members. Poonam, elder sister of the victim was also married to the brother of the co-accused Rakesh and no allegation qua demand of dowry had ever been levelled by her. No specific overt act has been attributed to her. The complainant has since been examined. There are no chances of her intimidating the witnesses or absconding. She has permanent abode. The trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. Therefore, it is argued that she deserves to be given concession of bail.

4. Status report has been filed by respondent No.1-State, as per which, the victim had died under unnatural circumstances within a period of two years of her marriage with the co-accused Rakesh who is son of the present petitioner. She was four months' pregnant at that time. There are specific allegations qua harassment of the victim at the hands of the petitioner and the co-accused on account of demand of dowry. There is sufficient incriminating material against her. The post-mortem examination report revealed injuries on the dead body of the victim. The complainant and another witness namely Gangadhar have been examined and supported the prosecution version. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned



State counsel at considerable length and have gone through the record carefully.

6. The victim is alleged to have died a dowry death within a period of two years of her marriage with the co-accused Rakesh, the petitioner is mother-in-law of the victim. The complainant Raj Kumar, while lodging the FIR against the petitioner and co-accused had levelled specific allegations that the victim was being harassed by them on account of demand of dowry and he stated that even on 26.05.2023, i.e. the date of the death of the victim, he had gone to her matrimonial house and tried to make the in-laws of the victim understand and on returning home, he had received information about the death of the victim. In his sworn deposition, he stated that the demand of motorcycle was being raised by the in-laws of the victim. A perusal of sworn deposition of the complainant Raj Kumar, copy of which has been placed on record by learned counsel for the petitioner, reveals that a specific suggestion was given to him to the effect that on the fateful day, a quarrel between the victim and her in-laws had taken place regarding the legitimacy of the child in her womb, meaning thereby, that the petitioner and his family members were admittedly levelling allegations against the pregnant victim that she carrying some illegitimate child in her womb. The death of the victim has been proved to be occurred otherwise, then in normal circumstances. A conjoint reading of Section 113-B of Evidence Act and Section 304-B of IPC shows that there must be material to show that soon before her death, the victim was subjected to cruelty and harassment.

Though such cruelty or harassment should be for or in connection with the

demand of dowry and in this case, it has been revealed from the statement of the complainant that just before the death of the victim, there was quarrel between the members of in-laws members of the victim as well as herself with regard to the legitimacy of the child in her womb, but at the same time, there are also allegations that demand of motorcycle had been raised by the petitioner and her family members and the victim had been harassed on that account as well. The allegations against the petitioner are serious and specific in nature. At this stage, it is neither feasible nor appropriate for this Court to draw any inference that the death of the victim which had occurred within a period of two year of her marriage and under unnatural circumstances, was not a dowry death and it is only after thorough assessment and evaluation of the evidence to be produced before the trial Court that any conclusive finding can be given in this regard. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail, this Court in the considered opinion that the petition does not deserve to be allowed. Hence, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

23rd May, 2024

Parveen Sharma

1. Whether speaking/ reasoned

2. Whether reportable

:

:

Yes / No

Yes / No