IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP (M) No. 2014 of 2025

Reserved on: 07.10.2025

Date of decision: 17.10.2025.

Tej Kaur ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No.

For the petitioner	:	Mr. J.R. Poswal, Advocate.
For the respondent/ State	:	Mr. Prashant Sen, Deputy Advocate Genral.
For the complainant	:	Dr. Malkiat Singh Jandiala, Advocate.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking regular bail in F.I.R. No. 128 of 2025, dated 21.04.2025, registered for the commission of offences punishable under Sections 85, 115(2), 351(2), 80, 108, 302 and 61(2) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS) 2023 at Police Station Nalagarh, District Solan, H.P.

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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2. It has been asserted that, petitioner was falsely implicated in F.I.R. No. 128 of 2025. As per the prosecution, Neha Devi (since deceased) was married to Sanjeev Kumar. She was treated with cruelty by her husband and her in-laws on the pretext of dowry. She was harassed and beaten by them. She belonged to the Sikhi religion but was forced to cook non-vegetarian food. The informant received a telephonic call on 19.04.2025 that his sister's condition was serious. The informant, his brother and father went to the spot and found Neha lying in an unconscious condition. Her husband and relatives quarrelled with the informant and other persons. She was taken to Parmar Hospital at Ropar, where it was found that she had consumed poison. She was referred to PGI, Chandigarh. The petitioner told the informant that she did not care for Neha's life. Neha subsequently died on 23.04.2025 in Chandigarh. The police investigated the matter and arrested the petitioner and the other accused. The accused Anjana @ Anju and Manjeet Kaur were enlarged on bail on 03.05.2025. Accused Ram Singh was enlarged on bail on 23.05.2025. The petitioner is in judicial custody. She filed two bail petitions before the learned Additional Sessions Judge, Nalagarh, District Solan, H.P., which were

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dismissed. The investigation is complete and the challan has been presented in the Court. The petitioner is aged 56 years, and she has a family to support. She would abide by all the terms and conditions which the Court may impose. Hence, the present petition.

3. The petition is opposed by filing a status report asserting that the informant is the brother of Neha (since deceased), who was married to Sanjeev Kumar on 06.11.2024. Sanjeev Kumar, his parents and sisters used to harass Neha for bringing insufficient dowry. They would beat and harass her. She belongs to the Sikhi religion but was compelled to cook non-vegetarian food. Neha's neighbour called the informant's father on 19.04.2025 and told him that Neha's condition had deteriorated. Informant, his brother and father arrived on the spot and found Neha lying unconscious on the bed. The informant's brother and father tried to take Neha to the Hospital, but Sanjeev Kumar, Karam Chand and Tej Kuar (present petitioner) quarrelled with them and tried to stop them. Neha was taken to the Parmar Hospital, Ropar, where it was found that she had consumed poison. She was taken to PGI, Chandigarh. The police registered the F.I.R. and investigated the

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matter. Neha died on 23.04.2025. The police arrested the petitioner and the co-accused. Accused Sanjeev Kumar revealed that Neha had consumed poison on 18.04.2024, and she was taken to Rana Hospital, Panjera. She was discharged on 19.04.2025. He got recovered, Hindol — an insecticide. The police recovered dowry articles and seized the record. The result of the analysis showed that Chlorpyrifos (Organophosphorus insecticide) was detected in the viscera. The Medical Board issued a final opinion that there was no negligence by the Doctor at Rana Hospital at Panjera. Manjeet Kaur, Anjana Kumari and Ram Singh were released on bail. No other case was registered against the petitioner. Hence, the status report.

4. The informant also filed a reply/objection asserting that the present petition is not maintainable. The informant has filed CWP No. 8560 of 2025 for transferring the investigation to an independent agency. The contents of the F.I.R. were reproduced. It was asserted that the petitioner had a big role in the murder of the deceased. The middleman informed the petitioner and her family members that Neha was a baptised Sikh. The petitioner and her family members agreed that Neha could pursue her faith. Subsequently, Manjeet Kaur and Anjana

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Kumari asked her to wear a nose pin, which is contrary to her religious tenets. Neha immediately complained about the harassment to the informant, but he thought that these were teething troubles and would go away with time. Subsequently, Neha was compelled to wear a nose pin and cook non-vegetarian food. She was tortured for not bringing the vehicle. Her choice of dress was adversely commented upon. She was not permitted to perform religious ceremonies. The matter was discussed, and the parents-in-law of Neha assured to treat her properly. Neha called the informant and told her about her torture. Doctors at Parmar Hospital informed that Neha had consumed poison 1-2 days before she was brought to the Hospital. Neha was trying to disclose something by making signs in the Parmar Hospital. The petitioner and her relatives forcibly administered poison to Neha. Her initial reports were changed at the instance of Anjana Kumari, the sister-in-law of Neha, who is working in a Dispensary. Dara Singh, a relative of the petitioner, threatened the informant and his relatives. The police have not fairly investigated the matter, and a Writ Petition has been filed before this Court. The petitioner would influence the investigation in

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case of her release on bail. Hence, it was prayed that the present petition be dismissed.

5. I have heard Mr J.R. Poswal, learned counsel for the petitioner, Mr Prashant Sen, learned Deputy Advocate General, for the respondent/State and Dr Malkiat Singh Jandiala, learned counsel for the informant.

6. Mr J.R. Poswal, learned counsel for the petitioner, submitted that the petitioner is innocent and she was falsely implicated. The allegations made against her in the F.I.R. are vague and general. The petitioner has nothing to do with the commission of crime. She would abide by the terms and conditions, which the Court may impose. Hence, he prayed that the present petition be allowed and the petitioner be released on bail.

7. Mr Prashant Sen, learned Deputy Advocate General for the respondent, submitted that the petitioner had harassed and taunted Neha, which led her to suicide. The offence alleged against the petitioner is heinous. Hence, he prayed that the present petition be dismissed.

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8. Dr Malkiat Singh Jandiala, learned counsel for the informant, adopted the submissions advanced by Mr Prashant Sen, learned Deputy Advocate General, for the respondent/State. He submitted that the informant and his relatives were not permitted to take Neha with them. A Writ Petition has been filed for transferring the investigation to an independent agency. The petitioner would intimidate the witnesses in case of her release on bail. Hence, he prayed that the present petition be dismissed. He relied upon the judgment of the Hon'ble Supreme Court in ***Shabeen Ahmad vs. State of Uttar Pradesh & anr. 2025 INSC 307*** in support of his submission.

9. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

10. The parameters for granting bail were considered by the Hon'ble Supreme Court in ***Pinki v. State of U.P., (2025) 7 SCC 314: 2025 SCC OnLine SC 781,*** wherein it was observed at page 380: -

> **(*i*) *Broad principles for the grant of bail***
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> **56.** In ***Gudikanti Narasimhulu v. High Court of A.P., (1978) 1 SCC 240: 1978 SCC (Cri) 115***, Krishna Iyer, J., while elaborating on the content of Article 21 of the Constitution of India in the context of personal liberty of a person under trial, has laid down the key factors that should be

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considered while granting bail, which are extracted as under: (SCC p. 244, paras 7-9)

> "7. It is thus obvious that the nature of the charge is the vital factor, and the nature of the evidence is also pertinent. The punishment to which the party may be liable, if convicted or a conviction is confirmed, also bears upon the issue.
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> *8. Another relevant factor is whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being.* [***Patrick Devlin, "The Criminal Prosecution in England"*** (Oxford University Press, London 1960) p. 75 — Modern Law Review, Vol. 81, Jan. 1968, p. 54.]
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> *9. Thus, the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance.*" (emphasis supplied)

57. In ***Prahlad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280: 2001 SCC (Cri) 674***, this Court highlighted various aspects that the courts should keep in mind while dealing with an application seeking bail. The same may be extracted as follows: (SCC pp. 284-85, para 8)

> "*8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles, having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing*

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of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge." (emphasis supplied)

58. This Court in ***Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598: 2002 SCC (Cri) 688***, speaking through Banerjee, J., emphasised that a court exercising discretion in matters of bail has to undertake the same judiciously. In highlighting that bail should not be granted as a matter of course, bereft of cogent reasoning, this Court observed as follows: (SCC p. 602, para 3)

"*3. Grant of bail, though being a discretionary order, but, however, calls for the exercise of such a discretion in a judicious manner and not as a matter of course. An order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts do always vary from case to case. While the placement of the accused in society, though it may be considered by itself, cannot be a guiding factor in the matter of grant of bail, the same should always be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — the more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter*." (emphasis supplied)

59. In ***Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528: 2004 SCC (Cri) 1977***, this Court held that although it is established that a court considering a bail application

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cannot undertake a detailed examination of evidence and an elaborate discussion on the merits of the case, yet the court is required to indicate the prima facie reasons justifying the grant of bail.

60. In Prasanta ***Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496: (2011) 3 SCC (Cri) 765***, this Court observed that where a High Court has granted bail mechanically, the said order would suffer from the vice of non-application of mind, rendering it illegal. This Court held as under with regard to the circumstances under which an order granting bail may be set aside. In doing so, the factors which ought to have guided the Court's decision to grant bail have also been detailed as under: (SCC p. 499, para 9)

> "*9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering a bail application are*:
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> (*i*) *whether there is any prima facie or reasonable ground to believe that the accused had committed the offence*;
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> (*ii*) *nature and gravity of the accusation*;
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> (*iii*) *severity of the punishment in the event of conviction*;
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> (*iv*) *danger of the accused absconding or fleeing, if released on bail*;
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> (*v*) *character, behaviour, means, position and standing of the accused*;
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> (*vi*) *likelihood of the offence being repeated*;
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> (*vii*) *reasonable apprehension of the witnesses being influenced; and*
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> (*viii*) *danger, of course, of justice being thwarted by grant of bail.*" (emphasis supplied)

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> **62.** One of the judgments of this Court on the aspect of application of mind and requirement of judicious exercise of discretion in arriving at an order granting bail to the accused is ***Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170***, wherein a three-Judge Bench of this Court, while setting aside an unreasoned and casual order (***Pappu Kumar v. State of Bihar, 2021 SCC OnLine Pat 2856*** and ***Pappu Singh v. State of Bihar, 2021 SCC OnLine Pat 2857***) of the High Court granting bail to the accused, observed as follows: (***Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170]***), SCC p. 511, para 35)
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> > "*35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion. While considering an application for the grant of bail, a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused.*" (emphasis supplied)

11. The present petition has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

12. It is undisputed that a marriage between Neha and Sanjeev Kumar had taken place on 06.11.2024 and Neha died on 23.04.2025. Specific allegations have been made in the F.I.R. that Neha was being harassed for bringing insufficient dowry. She

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was beaten for not bringing the car. Therefore, *prima facie*, a presumption under Section 117 of Bharat Sakshya Adhiniyam (BSA) will apply, and the burden would shift upon the petitioner to rebut it.

13. The bail petition does not provide any explanation; it mentions that the police did not find any evidence of poisoning, which is incorrect because, as per the report of the SFSL, Chlorpyrifos (Organophosphorus insecticide) was detected in the viscera of Neha.

14. The petitioner is the mother-in-law of Neha. The status report specifically mentions that the petitioner, Manjeet Kaur and Anjana Kumari used to torture Neha for bringing insufficient dowry and prevent her from following her faith. She was forced to wear a nose-pin and cook non-vegetarian food, contrary to the tenets of her religion. These allegations are quite specific and show the petitioner's role. Hence, submissions that no specific allegations were made against the petitioner cannot be accepted.

15. The allegations in the FIR, *prima facie*, connect the petitioner with the commission of crime. It was laid down by the Hon'ble Supreme Court in ***Shabeen Ahmad*** (supra) that the Court

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should be mindful of the broader social impact in dowry death cases and should not permit the parents-in-law to remain at large when the evidence reflected a probable nexus between dowry demand, physical cruelty and the death. It was observed:-

> "**13.** In dowry death cases, courts must be mindful of the broader societal impact, given that the offence strikes at the very root of social justice and equality. Allowing alleged prime perpetrators of such heinous acts to remain on bail, where the evidence indicates they actively inflicted physical, as well as mental, torment, could undermine not only the fairness of the trial but also public confidence in the criminal justice system.
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> **15.** Where the facts clearly indicate direct involvement in the fatal events, courts must act with an abundance of caution. Thus, permitting the father-in-law and mother-in-law to remain at large would run counter to the ends of justice, especially when the evidence reflects a probable nexus between their persistent dowry demands, physical cruelty, and the deceased's death. Consequently, their bail warrants were cancelled so that a fair and unimpeded trial may take place, in keeping with the legislative intent behind anti-dowry laws.
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> **17.** We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the respondent-accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today's society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty-bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of

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> marriage, the judiciary must reflect heightened vigilance and seriousness."

16. In view of the binding precedent of the Hon'ble Supreme Court, the petitioner is not entitled to the concession of bail; hence, the present petition fails, and it is dismissed.

17. The observations made hereinabove are regarding the disposal of this petition and will have no bearing whatsoever on the case's merits.

(Rakesh Kainthla)
Judge

17th October, 2025
(ravinder)