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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1387/2025

LALITA

.....Petitioner

Through: Mr. N. Hariharan, Senior Advocate
with Mr Siddharth S. Yadav,
Mr. Rahul Sambher, Mr. Kashish
Ahjuja, Mr. Ayush Kumar Singh,
Mr. Rahul Yadav, Ms. Sneha
Bakshiram, Ms. Rekha Punya,
Ms. Sana Singh, Ms. Vasundhra N.,
Mr. Aman Akhtar and Mr. Vinayak
Gautam, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvair Singh Chauhan, APP for
the State with Insp. Rajesh Meena,
PS: Palam Village.
Mr. Nikhil, Mr. Punit and Mr. Jatin
Tyage, Advts. for complainant with
complainant in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.05.2025

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1. First Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 438 of the Code of Criminal Procedure, 1973) has been filed on behalf of the Petitioner, Lalita seeking grant of Anticipatory Bail in Case FIR No. 0705/2024 dated 03.12.2024 under Sections 498A/406/34 of the Indian Penal Code, 1860 and Section 85/316/3(5) of Bharatiya Nyaya Sanhita, 2025 registered at Police Station: Palam Village.

2. The Applicant is the *Bua* of the accused Pankaj Lamba who is



absconding. Essentially allegations against her are that before finalization of the marriage, she along with other family members had demanded dowry. In September, 2024, they had gone to the house of the Complainant and threatened him to make his daughter withdraw her complaint in UK and also demanded Rs.5,00,000/-.

3. It is submitted that the Petitioner has been implicated falsely in this case. She is the aunt (*bua*) of the main accused Pankaj Lamba, husband of the deceased who is daughter of the Complainant, apprehending arrest in the aforesaid FIR. She has sought Bail on the grounds that the bare perusal of the FIR reveals that the allegations made by the Complainant are general and sweeping against the Applicant, who had no nexus with the Complainant's daughter. It is the own case of the prosecution that the deceased left her matrimonial home only after a few days and joined her husband in U.K. There was no opportunity for the Applicant to treat the deceased with cruelty or to harass her or demand dowry.

4. Initially, the FIR was registered under Sections 498A/406/34 IPC, but subsequently Section 304B IPC has been added. It is claimed that it has been added wrongly since the Applicant had no nexus with the Complainant's daughter nor she had subjected her to any kind of cruelty or harassment in relations to dowry demand.

5. The Anticipatory Bail Application of the Applicant has been dismissed by learned Sessions Court on 01.04.2025. It is submitted that FIR does not disclose any allegation of cruelty or harassment at the instance of the applicant inverted soon before the debt, which resulted in the dowry debt with the deceased.

6. Reliance has been placed upon *Manohar Lal vs. State of Haryana*,



(2014) 9 SCC 645, wherein, the Apex Court observed that facts must show existence of proximate live link between the effect of cruelty based on dowry demand and death of victim. The Applicant being in India, had no knowledge of what transpired between the deceased and her husband Pankaj Lamba, the main accused.

7. Reliance has also been placed upon *Balwant Singh and Anr. vs. State of Punjab*, (2004) 7 SCC 724, wherein, the Apex Court has noted that one of the ingredients of the offence under Section 304B IPC is that such cruelty should have been meted out to the deceased soon before her death. It is for the prosecution to establish, affirmatively that the victim was subjected to cruelty and harassment based on dowry demand soon before her death. In the present case, at least for a year and 3 months had lapsed before her death and there is no evidence even to remotely suggest that the victim was subjected to cruelty or harassment of the nature specified in Section 304B IPC.

8. The Applicant, in fact, had always treated the deceased with love and respect and husband of the applicant had also transferred approximately Rs.15 lacs to the account of the deceased, so as to facilitate her visa for U.K. It is further submitted that she has clean antecedents and she undertakes not to flee from justice and is ready to abide by any conditions may be imposed. Hence, Anticipatory Bail is sought in FIR No. 0705/2024.

9. The *Status Report has been filed on behalf of the State*, wherein, it had been claimed that complainant's daughter died on 14.11.2024 in U.K. As per the post-mortem report, it was stated that the deceased died due to manual strangulation, which is homicide in nature.

10. The **Letter Rogatory under Section 166-A Cr.P.C.** sent to the



Director of Prosecution has been approved and is uploaded on MHA portal for purpose of further proceedings. It is further submitted that Lalita, the Applicant had been granted interim protection *vide* order dated 08.04.2025 by this Court, who had directed that no coercive action be taken against the Petitioner. She joined the investigation and interrogated in detail, but she did not give any information about the main accused Pankaj Lamba, husband of deceased. During investigation, the bank account details were collected and mobile phones were recovered from the accused persons, which have been sent to FSL.

11. The Anticipatory Bail Application is *opposed on the ground* of there being specific allegations against the Applicant for demand of dowry and harassment. The statement of the father of the deceased has been recorded, wherein, he has stated that the husband of the Applicant along with his relatives had come to his house and threatened him to withdraw the Complaint which was filed by the father of deceased against her husband Pankaj Lamba. Serious offence has been committed, wherein, Pankaj Lamba, husband of deceased has been charged by U.K. Police with murder of his wife, Harshita Barella. The main accused Pankaj Lamba has been declared Proclaimed Offender and an award of Rs.50,000/- has been announced for his arrest. Furthermore, the Petitioner has joined investigation on 04.04.205, 06.04.2025, 13.04.2025 and 29.04.2025, but she did not give any information about Pankaj Lamba. The Bail Application is therefore opposed.

12. ***Learned counsel for the Complainant*** has stated that Pankaj Lamba, the main accused, had been brought up since childhood by the Applicant and her husband Satinder Kumar (*Bua* and *Fufa*) and they have close relation



with the deceased at the time of finalisation of marriage. They both along with the parents had demanded for dowry. Even later in September 2024, threat had been extended to the parents of the deceased to ask her to withdraw her Complaint filed by her with the U.K. Police and demand of Rs.5 lacs was made. It is therefore submitted that in view of the serious dowry harassment allegations and the murder of the deceased in U.K., the Bail may not be granted to the Applicant.

13. Submissions heard and record perused.

14. Considering the nature of allegations and the fact that the deceased had left for UK soon after the marriage and the *fufaji* had transferred amount of Rs.15,00,000/- in her account to facilitate her in getting *visa*, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.**25,000/-** with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioner shall furnish her cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or



other persons acquainted with the facts of case.

(v) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

15. The Petition stands disposed of in the above terms.

16. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J.

MAY 14, 2025/R