

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(106-2)

CRM-M-26100-2025 (O&M)
Date of Decision: 19.3.2026

Bhawana Tiwari

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Akash Vashisth, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

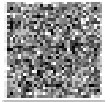
CRM-45584-2025

The application is allowed as prayed for. Reply on behalf of the complainant as well as Annexures R-1 to R-2 are taken on record.

CRM-M-17417-2025 (O&M)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner, in case FIR No. 09 dated 18.2.2025, under Section 80 of BNS, 2023, registered at Police Station Lambra, District Jalandhar.

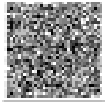
2. Learned counsel for the petitioner *inter alia* submits that the petitioner is sister-in-law (*jethani*) of the deceased and has been falsely implicated in the present case by the complainant, who is the father of the deceased, by levelling sweeping allegations. It is submitted that the marriage of the brother-in-law of the petitioner with the deceased was solemnized on



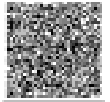
2023, the husband of the petitioner had purchased a separate house in November 2023, and since then she along with her family, has been residing there separately from the matrimonial home of the deceased. It is further submitted that though both the houses are in close vicinity but the same are two separate units. It is also submitted that prior to three days of the alleged occurrence, the deceased along with her in-laws family members, travelled to Chandigarh to attend the marriage of her husband's cousin. In the said marriage function, the deceased was comfortable and happy with her in-laws family. It has also been submitted that no specific allegations have been levelled against the petitioner in the present FIR. However, in the supplementary statement, recorded after a month of the alleged incident, the complainant has given an improved version. Learned counsel also submits that since there is no allegation against the petitioner qua instigating or abetting the deceased, therefore, the ingredients of Section 80 of BNS are not made out qua the petitioner, who is ready to join investigation and co-operate.

3. *Per contra*, the learned State counsel as well as learned counsel for the complainant have opposed the present petition. It is submitted that specific allegations have been levelled against the petitioner and other co-accused with regard to constant mental cruelty and harassment of the deceased for demand of dowry due to which the deceased committed suicide by hanging herself.

4. Learned counsel for the complainant further submits that the marriage of the deceased was solmenized with Gaurav @ Gopal on 18.11.2024 and they were residing together along with Bhawani Devi (mother-in-law), Anil (brother-in-law) and petitioner-Bhawna (sister-in-law)



Moreover, as per the Aadhar Card of the petitioner, she is a resident of H. No. 14-A, Tower Enclave, Phase-3, Jalandhar. Therefore, it is clearly established that the petitioner was residing together with the deceased in her matrimonial home. It is submitted that after marriage, all the accused persons used to harass and maltreat the daughter of the complainant for bringing less dowry and pressurized her to bring more dowry. The deceased had also inform the complainant about the said harassment and maltreatment meted out by her. The complainant along with her wife visited the matrimonial home of their daughter several times to pacify the matter. It is further submitted that in the first week of February 2025, the complainant and his wife went to the matrimonial home of their daughter, where the petitioner and her husband Anil demanded Rs. One lac to be given to Gaurav @ Gopal. The complainant shown his inability to fulfill the said demand, however, on 07.2.2025, he gave Rs. 50,000/- to the husband of the deceased and assured the accused persons to pay the remaining amount in the next month. It has also been submitted that on 18.2.2025, the daughter of the complainant made a telephonic call to her mother (wife of the complainant) and informed her about the atrocities she was being subjected to by the accused persons and also asked her to take her from the matrimonial home. Thereafter at about 11.00 A.M., petitioner-Bhawna informed the complainant telephonically that his daughter has bolted her room inside. Thereupon the complainant along with his wife and son reached the matrimonial home of their daughter where they found that the room of her daughter was opened and her dead body was hanging with chunni on the ceiling fan and T.V. was playing on high volume. Further, as per the report of the post-mortem of the deceased, the cause of death has been opined due



course of nature. Therefore, it is submitted that the allegations levelled in the FIR duly stand corroborated by the above medical evidence. Accordingly, it is prayed that keeping in view gravity of offences, the present petition be dismissed.

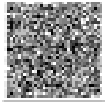
5. Heard the rival submissions made by learned counsels for the parties.

6. Reference to the observations made by the Hon'ble Supreme Court in case titled as ***Shabeen Ahmad Vs. The State of Uttar Pradesh and Anr, SLP(Crl.) No.15156 of 2024***, whereby bail granted to the parents-in-law petitioners was cancelled, can also be made, to the extent wherein it was held that:

“15. 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 dutybound 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 marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in Ajwar v. Waseem in the following paras:

x x x x x x”

7. At this juncture, a reference can also be made to the observations of the Delhi High Court made in ***Kuldeep Singh vs. The State Govt. of NCT of Delhi***, bail application No.159/2025 & Crl.M.A.1040/2025, which are relevant for all cases where a life is lost due to the alleged



harassment and cruelty, particularly due to demand for dowry. The Court, while dismissing the bail application of a husband in an FIR under sections 302/304B/498A/34 of the Indian Penal Code, showcased remorse over the occurrence of such offences, by expressing thus:

“16. While deciding bail applications in such cases, the Constitutional Courts bear in mind the intent behind enactment of provisions of law, especially such as Section 304B of IPC. Though this section came to be enacted in the year 1986 and has been in existence for almost 40 years, the Courts time and again are saddened by the cases which come up before them for adjudication, reflecting that woman of this country are still harassed, tortured and killed, merely because they are married to a man, in a family which after the marriage, keeps demanding, as a matter of right due to the matrimonial alliance, money and dowry articles.

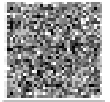
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18. Before concluding, this Court observes that cases of dowry death and murder, like the present one, often reveal a distressing pattern. Families of the victims frequently mention in their statements before the Court and the police that their daughters had complained about being tortured and feared for their lives due to unmet dowry demands. However, due to societal pressure and the fear of social stigma, these families often suggest or compel their daughters to continue to try and adjust and live in their matrimonial homes, where they are subsequently killed or driven to suicide.

19. Judgments in such cases serve as a medium to highlight to society how young lives can be tragically lost under these circumstances and it may not always be advisable to convey message to the victim of dowry harassment and threats who are visibly beaten and battered by their husbands, that they should continue to endure suffering in their matrimonial homes as it is the “right” thing to do after marriage. This mindset emboldens, and is exploited by, perpetrators including a husband, who kills his wife, exploiting the situation that the victim wife has nowhere else to go, as her parental family is also advising her to live with him despite the torture and physical abuse. In cases such as the present one, granting bail liberally could encourage such practices and offences.”

8. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, the Hon'ble Supreme Court held as under:-

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional

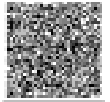


*circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

9. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

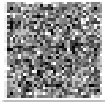
10. Reverting to the case in hand, a perusal of the record reveals that marriage between the brother-in-law of the petitioner and the deceased was solemnized on 18.11.2024. However, the daughter of the complainant passed away under suspicious circumstances within three months of the marriage i.e. on 18.2.2025. *Prima facie*, there are serious allegations against



the petitioner, who is the sister-in-law of the deceased, qua subjecting the deceased to continuous harassment on account of demand of dowry along with other co-accused. Moreover, on the day of alleged occurrence, the deceased had even made a distress call to her mother (wife of the complainant) narrating the atrocities that she was being subjected to by the accused including the present petitioner. The gravity of the assertions made by the complainant, that his daughter was subjected to frequent maltreatment and harassment regarding insufficient dowry on the alleged day of the incident, cannot be overlooked at this stage. The proximity of these allegations to the unfortunate death of the deceased by hanging also raises a *prima facie* inference of a causal link between the alleged conduct and the death of the daughter of the complainant. The post-mortem report of the deceased reveals the cause of death as asphyxia due to hanging.

11. The position of law is settled that the concession of anticipatory bail, which is an extraordinary relief, cannot be granted on the mere asking of the petitioner. There must be an existence of exceptional circumstances in their favour so as to warrant the Court to extend this concession. Regrettably, there is nothing in the pleadings made on behalf of the petitioner, so as to make out the existence of any such grounds so as to make him entitled for grant of concession of anticipatory bail.

12. Furthermore, the nature and gravity of the accusations, which attract serious penal consequences, coupled with the fact that the investigation is still at a nascent stage, persuade this Court to exercise caution. Grant of anticipatory bail in such circumstances may impede the course of investigation, particularly when the role of the petitioner, is central to the allegations, and the possibility of his influencing the course of



13. Accordingly, in view of the totality of circumstances, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The instant petition thus stands dismissed.

14. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

15. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 19th, 2026
Gurpreet Singh

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