

Daljit Kaur Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Jan-13-2000

Reported in : II(2000)DMC265

Judge : K.S. Kumaran, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439; [Indian Penal Code \(IPC\), 1860](#) - Sections 148, 149, 304B, 498A and 506

Appeal No. : Crl. Misc. No. 33713-M of 1999

Appellant : Daljit Kaur

Respondent : State of Punjab

Advocate for Def. : P.S. Sullar, A.A.G. and; G.S. Dhillon, Adv.

Advocate for Pet/Ap. : G.S. Gill, Adv.

Disposition : Petition allowed

Judgement :

ORDER

K.S. Kumaran, J.

1. F.I.R. No. 163 dated 18.10.1998 has been registered at Police Station Sadar Malout under Sections 304B/498A/506, 148 and 149, I.P.C. on the statement of

Sukhjit Kaur wherein it has been alleged that Simarjit Kaur the sister of the complainant who was married to Jaswinder Singh, the son of the petitioner herein, was being harassed by her husband, mother-in-law and others demanding more dowry.

2. Petitioner-Daljit Kaur who is mother-in-law of deceased had approached the Additional Sessions Judge, Muktsar, for bail, but her application for bail was dismissed and, therefore, she has approached this Court under Section 439, Cr.P.C.

3. I have heard the Counsel for both the sides and perused the records.

4. The allegation in the F.I.R. is that even from the time of the marriage Simarjit Kaur was being taunted for bringing less dowry. It is also alleged that a child was born to Simarjit Kaur and at that time, she was taunted on the ground that she had not brought the sufficient gifts. As per F.I.R. in-laws also allegedly demanded a Harvesting Combine at the time when the marriage of another sister of the deceased was performed. It has further been alleged that on 13.1.1998, Simarjit Kaur (deceased) was beaten by her husband and was brought to her parental home, and left by her husband and others. Simarjit Kaur, who remained at her parental home allegedly committed suicide by hanging herself on 11.10.1998.

5. The learned Counsel for the petitioner contends that the complaint on the basis of which the F.I.R. in question has been registered has not been given by the father or brothers. He also contends that the maternal uncle of the deceased by name Surjit Singh is an Ex-Sarpanch of the village and a former Chairman of the Marketing (Market ?) Committee, pointing out these aspects, learned Counsel for the petitioner contends that in spite of all these facts the body of Simarjit Kaur was not subjected to post-mortem and was cremated on 11.10.1998 itself without any complaint whatsoever, but the sister of the deceased who is a resident of a Madhya Pradesh, has lodged this complaint on 18.10.1998 falsely implicating the petitioner and others.

6. The learned Counsel for the petitioner contends that even as per allegations in the F.I.R. ever since 13.1.1998 Simarjit Kaur (deceased) has been residing in her

parental home and there is no allegation that the petitioner who is her mother-in-law had come to the parental home and harassed her for dowry. According to the petitioner, the deceased was pressing her husband to partition his lands and to have a separate mess and when she did not succeed she had left the home and had died thereafter. He also contends that there is also nothing to show that Simarjit Kaur died due to unnatural causes. The learned Counsel for the petitioner also relies upon the decision of the Hon'ble Supreme Court in Sham Lal v. State of Haryana, 1997 (3) RCR 85=I (1997) CCR 231 (SC), in support of his contention that when there is no evidence that the deceased was harassed soon before her death, it cannot be presumed that the deceased was harassed and treated with cruelty soon before her death.

7. In these circumstances, without meaning to express any opinion on the merits of the main case I am of the view that the petitioner is entitled to be released on bail.

8. Petition allowed.

9. Petitioner is ordered to be released on bail on her furnishing sufficient surety to the satisfaction of Chief Judicial Magistrate, Faridkot.