

**In the Court of Ms.Gurdarshan Kaur Dhaliwal,
Additional Sessions Judge, Kapurthala (UID No.PB0146)**

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CNR No.PBKP010038532018
Bail application No.1428 of 01.08.2018
Decided on 21.08.2018

FIR No.224 of 07.09.2017
U/s 306/304-B IPC
Police Station City, Kapurthala.

State	Versus	Kamlesh Rani wife of Raj Kumar, resident of Street No.5, Mohalla Preet Bazar, PS City, Kapurthala now lodged in Modern Jail, Kapurthala.Accused/applicant.
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Bail application under Section 439 CrPC.

Present: Sh. JJS Arora, Advocate, for applicant/accused.
Smt. Aarti Mehta, Addl. PP for the State.

ORDER

- 1) This order of mine shall dispose of bail application moved under Section 439 Cr.P.C by the accused-applicant Kamlesh Rani in above mentioned FIR.
- 2) Notice of bail application was issued to the State and the bail application has been opposed by Addl. PP for the State.
- 3) The above mentioned FIR against the applicant-accused Kamlesh Rani and other accused (non-applicants) has been registered at the behest of complainant of this case namely Ashok Kumar son of Hazari Lal, Caste Mehra, resident of Daula Nangal 36 Gali, Batala, PS City, Batala, District Gurdaspur alleging therein that he is resident of address aforesaid and has four children i.e. three daughters and one son. The name of his elder daughter was Richa aged about 30 years and that on 30.01.2012, the marriage of his daughter Richa was

solemnized with Anil Kumar son of Raj Kumar, caste Mehra, resident of Gali No.5, Preet Nagar, Kapurthala in Arman Palace at Batala. He further stated that Anil Kumar husband of his daughter was serving in HDFC Bank, Mall Road, Kapurthala and that at the time of marriage of his daughter, he had given sufficient dowry in the shape of clothing, gold ornaments and household articles, beyond his capacity and a motorcycle was also given to his son-in-law Anil Kumar in dowry and a kitty set made of gold was also given to her mother-in-law. He further stated that after marriage, when his daughter came to see him at Batala, she told them that her in-laws family has been harassing her and taunting her all the times on the pretext of dowry saying that their dignity has been lowered down in the society for not having brought a car in the dowry, whereas their son was a serviceman and they were getting offers of marriage of their son from good families. The complainant further stated that his daughter told that her parents and brothers have already given them more than sufficient dowry and her parents could not give any car to them and that after pacifying, they sent their daughter back. The complainant further stated that about three years ago, her daughter gave birth to a girl child namely Samaira and on the day of Rakhri, his daughter came to her house for the Rakhri ceremony and told them that his father-in-law Raj Kumar, mother-in-law Kamlesh and her husband Anil Kumar are harassing her very much and taunting her and compelling her to bring car from them but they again sent his daughter after pacifying her saying that they will talk to her in-laws family regarding dowry. The complainant further alleged that about

5/6 days ago, his daughter Richa telephonically informed them that it is not possible for her to live at her in-laws house as her in-laws have been harassing her on the pretext of dowry and over the demand of car and that on that day i.e. 07.09.2017, he received a telephonic call from his son-in-law Anil Kumar, who informed them that Richa is not breathing and asked them to reach there fast and on that on this, he alongwith his wife Neelam and son Nikil Kumar and nephew Rocky Kumar son of Kewal Krishan immediately rushed to Preet Nagar, where they saw the dead body of their daughter Richa lying there having marks of rope around her neck. The complainant alleged that Anil Kumar, Kamlesh mother-in-law of his daughter and Raj Kumar her father-in-law informed him that his daughter Richa had hanged herself but he is sure that all the three aforesaid killed his daughter by strangulating her.

4) Learned counsel for the applicant-accused has contended that the police of PS City, Kapurthala has registered a false and frivolous case against the applicant-accused although she is innocent and has not committed any alleged crime. He added that co-accused Raj Kumar and Anil Kumar have been released on bail by the Hon'ble High Court and further argued that there is no direct or indirect evidence against the applicant-accused to connect her with the commission of alleged crime and undertakes not to leave the country without the prior permission of the court. In the end, he prayed that the applicant-accused may kindly be released on bail.

5) On the other hand, learned Addl.PP for the State has opposed the bail application on the ground of gravity of offence and

has prayed for dismissal of the bail application.

6) I have heard both the sides and have also carefully gone through the record on file.

7) As is evident from the record, the applicant-accused is the mother-in-law of the deceased daughter of the complainant namely Richa. After hearing learned counsel for the applicant-accused and learned Additional Public Prosecutor for State and perusing the police record, I find that there is no merit in the present bail application. The applicant-accused has relied upon a suicide note allegedly written by his deceased-daughter-in-law Richa, before committing suicide. The careful perusal of the said suicide note goes to reveal that the deceased clearly held the applicant-accused to be responsible for suicide by her. The marriage of deceased daughter of the complainant namely Richa with son of applicant-accused namely Anil Kumar was solemnized on 03.01.2012 and her death took place on 07.09.2017. Evidently Richa died within a period of seven years of her marriage with Anil Kumar son of the applicant-accused. Enhancement of an offence under Section 304-B IPC has also been made in the present case. A young girl of about 30-35 years has been alleged to have lost her life at such a young age on account of her harassment for dowry and over the demand of car, at the hands of her husband Anil Kumar and his family members also. There is a confusion about her death i.e. it is not clear if she hanged herself or was strangled by the accused side and as such keeping in view the gravity of the offence involved in this case, I do not deem it a fit case where the applicant-accused should be released on bail. Hence, the

instant regular bail application filed by the applicant-accused Kamlesh Rani is ordered to be dismissed being without any merits.

Bail application file be attached with the main file.

Pronounced in open Court
Dt.21.08.2018
(Arun)

(Gurdarshan Kaur Dhaliwal),
Additional Sessions Judge,
Kapurthala (UID No.PB0146)

Kamlesh Rani Vs. State

CNR No.PBKP010038532018
Bail application No.1428 of 01.08.2018

Present: Sh. JJS Arora, Advocate, for applicant/accused.
Smt. Aarti Mehta, Addl. PP for the State.

Arguments heard. Vide my separate and detailed order of even date, the present bail application filed by applicant/accused Kamlesh Rani has been dismissed. Bail application file be attached with the main file.

Pronounced in open Court
Dt.21.08.2018
(Arun)

(Gurdarshan Kaur Dhaliwal),
Additional Sessions Judge,
Kapurthala (UID No.PB0146)