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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-65266-2024 (O&M)
Date of decision: 02.04.2025

VINESH KUMARI

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. Kunal Dawar, Advocate for
Mr. Rohit Rana, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

Petitioner has filed the present petition under Section 483 of BNSS, 2023 Cr.P.C. for grant of regular bail in FIR No.314, dated 20.09.2022, under Sections 498-A, 328, 302, 304-B and 120-B IPC (Section 406 IPC added later on) registered at Police Station Sadar Ballabgarh, District Faridabad, Haryana.

2. As per facts of the case, Brij Moan alias Balu Hooda gave his statement that 'P' the victim was daughter of his elder brother Jagbir Singh. She was married to Deepak. They had performed marriage by spending approximately Rs.18 lakhs. Deepak-husband, Vinesh @ Palli mother-in-law, Jagbir father-in-law and Harender brother-in-law who is working in Haryana Police were unhappy with the dowry articles. They



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harassed the victim in the matrimonial home. She was given beating. Deepak the husband did not fulfill his matrimonial obligations. Due to this tension, his elder brother died of heart-attack on 18.08.2022. On 07.09.2022, the victim came to their village Dayalapur. On 19.09.2022 at about 8 p.m., Deepak came to their village and called the victim outside the house and gave her a plastic box by saying that it was tooth powder for disease Pyorrhea and she should not tell anybody about it. At that time, Khusia and his brother Nanak were also standing outside who invited Deepak for a cup of tea but he went away on his motorcycle. The victim on the next day, i.e. on 20.09.2022 at 11.00. a.m., applied said tooth powder on her teeth and gums. She started feeling sick. She disclosed that the said tooth powder was given to her by Deepak by telling that it was medicine for Pyorrhea. The victim was taken to PHC Dayalpur but due to her serious condition they referred her to BKH, Faridabad. Thereafter, they took her to Sarvodya Hospital where the victim died at about 2/2.30 p.m. It is alleged that Deepak in conspiracy with his family members gave some poisonous medicine in a box and after applying the same she died.

3. Learned counsel for the petitioner argued that Vinesh Kumari is the mother-in-law who is 64 years old. She is behind the bars since 29.08.2024. There are no specific allegations against her. Co-accused Jagbir Singh who is the husband of the petitioner was granted regular bail in CRM-M-28498-2023 vide order dated 19.10.2023 (Annexure P-1) by the Coordinate Bench of this Court. Petitioner is ready to abide by the terms of bail order, therefore, her regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Status report has been filed. It is pointed that there are serious

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allegations against the petitioner and other co-accused. It is a case of unnatural death. Postmortem report of the victim is Annexure R-1. During investigation the plastic box containing black coloured tooth powder was taken into police possession. Co-accused Deepak and Jagbir were arrested on 21.09.2022. Their disclosure statements were recorded. Viscera of deceased a plastic box Ex-2 which contained 7 round and flat gray coloured tablets in matallic tube labelled as Salphos, Aluminium Phosphide 56% F, Exhibit-3 plastic dibbi containing grayish black powdery material which were sent for chemical examination. After completion of investigation, challan was presented against co-accused Jagbir Singh and Deepak. Present petitioner was on run and was avoiding her arrest. Finally, she was arrested on 29.08.2024. Her disclosure statement is also recorded which is Annexure R-2. Supplementary challan is presented on 19.11.2024. Now the trial is pending for consideration on charge for 24.04.2025. As per the RFSL report Anneuxre R-3, Aluminium Phosphide was detected in the Exhibits tested in the laboratory as detailed therein.

5. I have considered the aforesaid factual position, there are serious allegations against the present petitioner and other co-accused. So far as, co-accused Deepak and Jagbir are concerned, challan qua them was presented on 19.12.2022. Therefore, regular bail granted in favour of Jagbir is on different footing as he was already behind the bars for more than 1 year.

So far as present petitioner is concerned, firstly she avoided her arrest and finally she was arrested on 29.08.2024. Qua her supplementary challan has been presented in which charges are yet to be



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framed. The trial is at initial stage.

6. Considering the facts detailed above and the manner in which the offence has been committed, the allegations are serious. Therefore at this initial stage of the trial, I do not find it proper for grant of regular bail to petitioner and petition filed by her is accordingly dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

02.04.2025

monika

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No