



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Criminal Misc. No. M-42540 of 2024**Date of decision :-05.09.2024****Lajja Devi****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

NIDHI GUPTA J. (Oral)

Prayer in this petition filed under Section 483 Bharatiya
Nagarik Suraksha Sanhita (B.N.S.S.) is for grant of regular bail to the
petitioner during pendency of the trial in case FIR No.238 dated 13.5.2022
(Annexure P-1) under Sections 302, 304-B, 498-A, 34 IPC, registered at
Police Station Adarsh Nagar, Ballabgarh, District Faridabad.

The present FIR has been registered on the basis of statement
of the complainant/father of the victim, which reads as follows :-

*“To, the SHO, P.S. Adrash Nagar, Ballabgarh
(Faridabad), Sir, it is requested that I Ram Singh s/o
Gopal Sharma, R/o Vill. Kuslipur-1, Distt. Palwal. I
have four children out of which three daughters and
one boy. My daughter laxmi is the eldest one. I got
married her to Bhupender s/o Chattar Pal Kaushik,
R/o H.No.340, Housing Board colony, Sector-62,
Ballabgarh, Faridabad on 22.02.2019 according to
Hindu rites and ceremonies and provided dowry
articles beyond my capacity. My daughter Laxmi is*



having son Himanshu, aged 1 year and 4 months born on 04.12.2020. Husband Bhupender, mother in law Lajja Devi and brother in law Hemant Kaushik were not happy with the dowry articles provided by us and just after few days of marriage started harassing my daughter Laxmi. They used to say to Laxmi that bring of Rs.5 lacs cash and a scorio vehicle from parental home and in this regard my daughter mentioned this to me on phone many times and the above persons many times ousted my daughter Laxmi from the matrimonial house. When Laxmi used to turn up at my home then made a complaint to me and her mother about car and cash, saying that in-laws are demanding car and cash from me. Thereupon, we along with respectable persons of the village reached in law's house of my daughter and made them understand that now I have no capacity to afford Scorio car and Rs.5 lacs cash. Therefore, having grudge of this, today on 13.05.2022 Bhupender, his mother Lajja Devi and his brother Hemant Kaushik have killed my daughter Laxmi by giving forcible torture and strangulating her. After killing my daughter Bhupender, his mother Lajja Devi and his brother Hemant Kaushik made a telephonic call to my brother Ved Parkash at 7:50 am and said that take her from here. Having information, we all family members reached the house of my daughter Laxmi at Ballabgarh and saw that our daughter already dead. Thus, it is requested that strict legal action be taken against Bhupender, Lajja Devi and Hemant”

Learned counsel for the petitioner, *inter alia*, submits that the petitioner is mother-in-law of the deceased. The deceased was married to the son of the petitioner on 22.2.2019. One son was born out of the said wedlock, who is currently residing with the other (elder) son of the petitioner, namely, Hemant in Village Dhadota. It is submitted that the



present FIR has been registered on the basis of statement made by father of the deceased, wherein only general allegations have been made that the accused harassed the deceased for dowry. Learned counsel submits that the allegations against the petitioner on the face of it are false as the petitioner used to reside with her other son, namely, Hemant at Village Dhadota; whereas the deceased and her husband resided in city Ballabgarh. It is submitted that this fact has been admitted by the complainant in his cross-examination (Annexure P-2) as PW1, wherein he has admitted that on the date of incident i.e. 13.5.2022 the petitioner alongwith her other son Hemant had reached Ballabgarh only at about 9 AM. Moreover, the petitioner has been in custody for more than two years. The material witnesses in the case have already been examined. Accordingly, learned counsel for the petitioner prays that the petitioner be released on regular bail.

Learned counsel for the State has opposed the prayer made on behalf of petitioner and submits that the occurrence has taken place within three years of the marriage. The cause of death is strangulation. Learned counsel for the State refers to the order dated 18.11.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Faridabad, whereby the bail application of the petitioner has been dismissed on the ground that “....*it is not a case where there is only unnatural death. It is a case where death is due to strangulation and there are injuries on the body of the deceased showing that it is a case of brutal murder.*” Learned counsel further informs that out of total 21 prosecution witnesses only 09 have been examined so far. Learned State counsel has filed the Custody Certificate dated 04.9.2024 in Court. The same is taken on record. Copy thereof supplied to the counsel opposite. As per the Custody Certificate, the petitioner has undergone the actual custody of 02 years, 03 months and 21



days as undertrial. It is accordingly prayed that the application for regular bail of the petitioner may be dismissed.

I have heard learned counsel for the parties and gone through the case file carefully.

Without commenting on the merits of the case, however, keeping in view the totality of facts and circumstances of the case as noted above, including the fact that: (a) period of actual custody of 02 years, 03 months and 21 days undergone by the petitioner as undertrial; (b) perusal of the custody certificate reveals that there is no other case against the petitioner; (c) the trial of the case is likely to consume considerable time as out of total 21 prosecution witnesses only 09 witnesses have been examined so far; and (d) the material witnesses have already been examined, further custody of the petitioner is not justified. Accordingly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner Lajja Devi w/o Chattar Singh be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is **allowed**.

September 05, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No