

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10970 of 2015 (O&M)

Date of decision:- 08.05.2015.

Meena

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

This order shall dispose of present petition filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner, pending trial in FIR No. 101 dated 24.5.2014, under Sections 302/498-A/120-B IPC, registered at Police Station Sadar Jalandhar, District Jalandhar.

Present petitioner is mother-in-law of the deceased Isha. FIR was registered on the basis of dying declaration of deceased herself, who stated that she was married 12 years back with James Masih and out of wedlock 2 children were born. Specific allegations in the dying declaration were that on 24.05.2014 her husband and mother-in-law (present petitioner) have poured kerosene oil on her and set her on fire. Petitioner was arrested on 17.09.2014.

Counsel appearing for the petitioner would refer to the testimony of PW-1 Dalbir Raj, who was Sarpanch of the village as also paternal cousin of deceased Isha, who has stated that he had got a phone call at about 10 a.m. on 24.5.2014, made by James Masih, who is husband of the deceased and had thereafter proceeded to the hospital along with father of the deceased. Counsel further submits that there is a clear contradiction inasmuch as in the

dying declaration, deceased has stated that she was put on fire between 10.00 a.m and 10.30 a.m whereas by that time as per version of PW -1 she had already been admitted to the hospital. That apart, statement of PW-1 as also been referred to show that it was the husband i.e. James Masih has also the present petitioner who had brought the deceased firstly to hospital Jamsheer and thereafter to Civil Hospital Jalandhar.

Investigation in the present case having been completed, the challan was presented on 18.8.2014 and the charges were framed on 10.12.2014. State Counsel would further submit that out of 15 prosecution witnesses cited, 3 have been examined till date. The trial as such is at the initial stage.

The present petitioner is an aged lady, 70 years old. The trial would take time to conclude. It has also gone uncontroverted that co-accused i.e. sister-in-laws of the deceased against whom also there were allegations have been granted the concession of pre arrest bail by this Court.

In the totality of circumstances, present petitioner is held entitled to the concession of bail. Petition is allowed. Petitioner be enlarged on bail, subject to the satisfaction of the trial Court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

May 08, 2015.

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