

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

CRM-M-20048-2015

Date of decision: 02.07.2015

Veena

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.196 dated 20.06.2014 under Sections 498-A, 304-B IPC (Section 307 was deleted and Section 304-B was added on 20.06.2014), registered at Police Station Old Subji Mandi Rohtak, District Rohtak.

Learned counsel for the petitioner submits that petitioner is mother-in-law. He places reliance on the medical evidence regarding the illness from which the deceased was suffering even before her marriage with son of the petitioner. He submits that in such a situation, the dying declaration alone cannot be a deciding factor. Petitioner is inside the jail for the last about one year and trial is not likely to conclude in the near future. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Rajbir Singh, Police Station Old Subji Mandi, District Rohtak, submits that the deceased has alleged direct and specific allegations in her

dying declaration which cannot be doubted. He further submits that trial is likely to be concluded in the near future because all the remaining PWs have been summoned for the next date of hearing. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, particularly dying declaration made by the deceased, petitioner being mother-in-law, has not been found entitled for bail pending trial. It is so said because the deceased has made specific and direct allegations in her dying declaration. There is no reason to disbelieve the dying declaration. The medical record before the marriage of the deceased with son of the petitioner apart, the deceased as specifically alleged in her dying declaration that soon before her death, she was put to harassment by her in-laws.

In view of the above and without making any further comments on merits of the case at this stage, lest it should prejudice the rights of either of the parties, present petition is dismissed. No case for bail pending trial has been made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

02.07.2015
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