

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-20657 of 2015 (O&M)
Date of Decision: 03.07.2015

Pushpa Devi

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Monisha Lamba, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 370 dated 17.8.2014 under Sections 307, 34 I.P.C (section 302 I.P.C added later on), registered at Police Station, Sarai Khawaja, District Faridabad.

Learned counsel for the parties have been heard at length.

As per prosecution version, Monu (since deceased), who is stated to have been beaten-up at his in-laws' place and thereafter forcibly administered acid by putting a bottle to his mouth by his wife Richa and aided by his brother-in-laws namely Sonu and Manoj as also his mother-in-law Pushpa i.e. the present petitioner. The occurrence is stated to be of 7.8.2014 and Monu has thereafter expired on 26.8.2014. F.I.R was registered on the statement of Monu himself recorded on 17.8.2014.

Even as per statement of Monu that was recorded, he stated that after having been forcibly administered acid, he had gone to the house of his aunt namely Lajja, who resided in the neighborhood and thereafter was taken to a hospital.

During the course of arguments today the statement of aunt namely Lajja recorded under section 161 Cr.P.C as also her testimony before the Trial Court as PW-8 has been referred to and such statements are clearly at variance. In the statement recorded under section 161 Cr.P.C Lajja had taken a stand that the acid had been consumed by Monu of his own accord on account of his in-laws having refused to send his wife Richa along with him. That apart, even the testimony of Raju son of Pat Ram, PW-2, who is stated to be an eye witness would be relevant, wherein he has stated that on the date of occurrence he had met Monu and who was in a drunken condition and had told him that he had come to teach a lesson to his in-laws as they are not sending his wife with him. Thereafter, Monu is stated to have taken out a bottle from his pocket and consumed the contents thereof. PW-2 has further deposed that thereafter he knocked the door of the in-laws, whereupon the present petitioner namely Pushpa i.e. Mother-in-law opened the door and upon seeing Monu she bolted the door again.

In view of the circumstances noticed herein above the issue as regards offence under section 302 I.P.C being made out against the present petitioner, would be a moot question to be considered by the Trial Court.

Present petitioner has been in custody since 3.9.2014. The trial is still at the very initial stage and would take some time to conclude.

In the totality of circumstances noticed herein above, present petitioner is held entitled to the concession of bail. Present petition is, accordingly, allowed.

Petitioner Pushpa be enlarged on bail subject to satisfaction of C.J.M., Faridabad.

It is, however, made clear that the observations made in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.07.2015

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