

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39161-2014

Date of Decision: January 29, 2015

Asha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Jasmail Singh Brar, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Addl. AG, Punjab,
for the respondent.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Asha Rani, wife of Om Parkash Khurana, resident of Gali No. 3, Abohar Road, Sri Muktsar Sahib, who has been booked for having committed the offence punishable under Section 306 read with Section 34, IPC, in a case arising out of FIR No. 146, dated 21.8.2014, registered at Police Station, City Muktsar, District Sri Muktsar Sahib.

Learned counsel contends that Sonu Rani (since deceased) was the daughter-in-law of the petitioner; the marriage of Sonu Rani was solemnized with the son of the petitioner in the year 2010 and thereafter Sonu Rani was blessed with a daughter,

who is at present 2½ years old; a day prior to the death of Sonu Rani, she was rebuked by the principal of the school where she was teaching, on account of hot words used by Sonu Rani against a student and, as such, Sonu Rani was perturbed; in the evening of 19.8.2014, Sonu Rani requested her husband and the petitioner to accompany her to the house of the student who was rebuked by her (Sonu Rani), but the petitioner and the husband of the deceased did not accompany her to the house of the student and on the next day she committed suicide; perusal of the FIR and other material available on record would reveal that there was no demand of dowry or harassment on that account; the petitioner, who is aged about 60 years, is behind the bars from 6.9.2014; after completion of the investigation, the charge-sheet has already been presented before the learned Court below; 2½ years old daughter of the deceased is being maintained by her grand-father, i.e. husband of the petitioner; and that there is no other lady in the house to maintain the young child. It has also been argued that the husband of the deceased, i.e. son of the petitioner, is also behind the bars in the present case.

Learned counsel for the State submitted that the petitioner and her son were quarrelling with the deceased from the very inception of her marriage and that a day prior to her

death, Sonu Rani had rebuked a student and on that account, the principal of the school where Sonu Rani was teaching, had also rebuked the deceased. In spite of her request, the petitioner and her son, i.e. husband of the deceased, did not accompany Sonu Rani to go to the house of the student so that the parents of the student could be apprised of the true facts. However, he fairly concedes that there was no demand of dowry in the present case. He further contends that during the investigation, the principal as well as a teacher, namely, Neeraj, were declared innocent by the police on the basis of the statements of the witnesses.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, there is no allegation of demand of dowry by the petitioner or her son, i.e. husband of the deceased; the abetment to commit suicide at the instance of the petitioner has to be substantiated during trial; the petitioner is approximately 60 years old lady, who is behind the bars for the last approximately five months; after completion of the investigation, the charge-sheet has already been presented before learned Court below and, as such, her further custody is not of worth; there is no capable lady in the house to look after 2½ years old child left behind by the

deceased; and that the son of the petitioner is also behind the bars in this case.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Asha Rani, wife of Om Parkash Khurana, resident of Gali No. 3, Abohar Road, Sri Muktsar Sahib, is ordered to be released on bail during pendency of the trial of the present case subject to her furnishing bail bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Sri Muktsar Sahib.

January 29, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE