

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

CRM No.M-41212 of 2014

Date of Decision: 9.1.2015

Sumitra

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.M.S.Rana, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl. AG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

Petitioner Sumitra w/o Bijender (mother-in-law), has preferred the instant petition for the grant of concession of regular bail, in a case registered against her along with her son and main co-accused, namely, Amit (husband) and other relatives, vide FIR No.221 dated 27.6.2013 (Annexure P1), on accusation of having committed the offences punishable under sections 498-A, 406 and 304-B IPC by the police of Police Station Sampla, District Rohtak.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this respect.

4. Precisely, the prosecution, inter-alia, claimed that the marriage of Poonam d/o complainant Rani w/o Suresh (for brevity “the complainant”), was solemnized with main accused Amit, 5 year prior to the

instant occurrence according to Hindu rites and ceremonies. On 27.6.2013, Poonam died an unnatural death and it was claimed that the accused have treated her with cruelty in connection with and on account of demand of dowry, soon before her death.

5. As is evident from the record that petitioner is an unfortunate mother-in-law of the deceased. Neither any specific entrustment of dowry articles nor overt-act is attributed to her in the FIR. All the main allegations of cruelty in connection with and on account of dowry articles are assigned to main accused Amit, son of petitioner and husband of the deceased. It is not a matter of dispute that initially, the present case was registered against main accused Amit, petitioner and Sanjay s/o Hari Singh (uncle), Sumit (Devar) (brother-in-law), Kalu & Ajju sons of Sanjay (sons of uncle of petitioner) and Bohli w/o Hari Ram (grandmother of petitioner). During the course of investigation, Sanjay, Sumit, Kalu, Ajju and Bohli, to whom similar allegations of cruelty, were assigned, were found innocent and exonerated by the police. Therefore, in that eventuality, the possibility of false implication of the petitioner in this case by the complainant cannot also be ruled out at this stage.

6. Moreover, the petitioner, who is an old lady, was arrested on 13.7.2013. Since then, she is in judicial custody and no useful purpose would be served to further detain her in jail. There is no history of her previous involvement in any other criminal case. Since not even a single witness has yet been examined by the prosecution, so, the final conclusion of trial will naturally take a long time.

7. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as depicted

here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

8. Needless to mention that, nothing observed here-in-above, would reflect on the merits in the trial of main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

(Mehinder Singh Sullar)
Judge

9.1.2015
AS