

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

CRM-M-41820 of 2014 (O&M)

Date of Decision: February 13, 2015

Mohan Lal and anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioners.

Mr. Kapil Aggarwal, Addl. AG., Haryana.

Mr. Arvinder Arora, Advocate,
for the informant.

NARESH KUMAR SANGHI, J (Oral)

Prayer in this application, filed under Section 439, Cr.P.C., is for regular bail to the petitioner-Mohan Lal and Kusum (father-in-law and mother-in-law of Monika since deceased), resident of Village Manak Tabra, PS Raipur Rani, District Panchkula, who have been booked for having committed the offences punishable under Sections 304B, 328, 406, 498A and 506 IPC, in a case arising out of FIR No.83 dated 24.06.2014, registered at Police Station Raipur Rani, District Panchkula.

Learned counsel contends that Monika (since deceased) was a Constable and posted at Panchkula and during

her service she was allotted official accommodation at Sector-6, Panchkula in the year 2012. Even after her marriage with the son of the petitioners, Monika (since deceased) continued to live in the official accommodation at Panchkula. He further contends that the petitioners were living about 10 Kms. away from Panchkula in Village Manak Tabra, though Monika (since deceased) was visiting Village Manak Tabra with her husband-Amit, who is also a Constable with Haryana Police and posted at Tajewala, District Yamuna Nagar. It has also been contended that except the general allegations, there is no specific instance of harassment and maltreatment of Monika (since deceased) by the petitioners. Husband of Monika i.e. son of the petitioners, is also behind the bars. The petitioners were arrested on 24.06.2014 and after completion of the investigation, the chargesheet (report under Section 173 Cr.P.C.) was presented before the learned Area Judicial Magistrate. The case being triable by Court of Session, was committed to the said Court and after framing of the charges, prosecution evidence is going on. As such further custody of the petitioners is not required.

Learned counsel for the State submits that the dowry articles were produced before the police by the son of the petitioners i.e. husband of the deceased, which were handed over to the parents of the deceased. He further fairly concedes that there is no specific instance of harassment or maltreatment of the deceased at the hands of the petitioners for or on account of demand of dowry, though he submits that general allegations are there against the petitioners.

Learned counsel for the complainant has also echoed the line of the learned State counsel and has opposed the grant of

bail to the petitioners.

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

The culpability of the petitioners would be a moot point during the course of trial. Concededly, Monika (since deceased) who was a Police Constable, had got Government accommodation at Panchkula. Presumption would be that she was residing at Panchkula unless proved otherwise. There are general allegations against the petitioners, who are father-in-law and mother-in-law respectively. The son of the petitioners is also behind the bars in the present case. After completion of the investigation chargesheet (Report under Section 173 Cr.P.C.) has already been presented before the Court below, therefore, their further custody does not appear to be justified in the present case and as such, petitioners Mohan Lal son of Hans Raj and Kusum wife of Mohan Lal, both residents of Village Manak Tabra, P.S. Raipur Rani, District Panchkula, are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds to the satisfaction of the learned Trial Court/Duty Magistrate, Panchkula.

The observations made herein above are for the limited purpose of deciding the present bail application.

(NARESH KUMAR SANGHI)
JUDGE

February 13, 2015

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