

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-18492 of 2016

Date of decision-31.05.2016

Lakhmiri Devi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Ms. Trishanjali Sharma, A.A.G. Haryana.

DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner in case FIR No.388 dated 29.06.2015 under Sections 498-A, 304-B, 34 of IPC registered at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner submits that it was a case of accident as there was a water tank in the premises of the house and deceased died due to drowning in a water tank. The petitioner has falsely been implicated in the case. The deceased was trying to save her child and while saving the child she herself drowned in the water tank.

Learned counsel for the petitioner also submits that as per MLR report the cause of death of deceased is due to drowning. Even in chemical examiner report nothing has come and no injury was there on the person of the deceased and it cannot be said that her dead body was thrown in the water tank after causing some injuries or after causing death. There was no matrimonial dispute and no harassment was there at the instance of petitioner's family as no such complaint was ever made to any person or police.

Learned counsel further submits that statements of complainants who are father and brother of the deceased have been recorded and they have not supported the case of the prosecution. The husband of the deceased is behind the bars. The present petitioner is about 48 years of age and no specific role has been attributed to her.

Learned State counsel submits that the petitioner is in custody since 14.07.2015. The material witnesses have been examined and there is no possibility of influencing the witnesses as only two prosecution witnesses remain to be examined.

Accordingly, this petition is allowed and petitioner, namely, Lakhmiri Devi, is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/duty Magistrate, Palwal.

(DAYA CHAUDHARY)
JUDGE

May 31, 2016
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