

Criminal Misc. No.M- 24362 of 2017 (O&M)

Date of decision : September 28, 2017

Smt. Kamlesh Kumari

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner, who is the mother-in-law of the deceased, prays for bail pending trial in FIR No. 586 dated 18.11.2016 under Sections 304B, 498A, 506, 201, 34 IPC registered at Police Station Pehowa, District Kurukshetra.

It is submitted that no specific allegations have been levelled against the present petitioner. Moreover, the evidence on record reveals that death has been caused due to burns by electrocution. There is nothing on record to show that the deceased was set on fire by pouring any incendiary material upon her. It is stated that the deceased in her statement recorded by the Magistrate on 15.11.2016, specifically stated that burn injuries were received due to electric shock in an accident. Moreover, the observation of the Magistrate that smell of kerosene was detected by her is negated by the FSL report wherein it is specifically mentioned that kerosene, petrol, diesel and their residues could not be detected on the relevant exhibits. Moreover, the complainant is not coming forward to depose despite being summoned

before the learned trial Court for 24.05.2017, 21.07.2017, 09.08.2017. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

FSL report as well as the statement of the deceased recorded by the Magistrate (Annexure P-3) is not in dispute. It is verified that the complainant has not come forward for recording of her statement on the various occasions as mentioned above. The petitioner is not involved in any other criminal case. Trial is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 28, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No