

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

Crl. Misc. No. M-26442 of 2017

Date of Decision : September 27,2017

Bimla DeviPetitioner

Versus

State of Haryana Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Chiranjiv Bansal, Advocate for
Mr. Vikram Singh, Advocate
for the complainant.

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LISA GILL, J. (Oral)

The petitioner, who is the mother-in-law of the deceased, seeks the concession of bail pending trial in FIR No. 416 dated 12.08.2015 under Sections 304-B/ 34 IPC registered at Police Station Sadar Sonapat.

It is submitted that general allegations have been raised against the petitioner. As per the post-mortem report no injury was detected on the person of the deceased thereby falsifying the allegations that she was subjected to physical abuse before forcibly poisoning her. Moreover, the material witnesses including the complainant and the Investigating Officer in this case have been examined. The petitioner has been in custody since 8th September 2015. Therefore, this petition be allowed.

Learned counsel for the State, on instructions, from ASI

Bijender, Police Station Sadar Sonapat, verifies that the cause of death in this case is due to phosphorus sulphate poisoning. No injuries were detected on the person of the deceased as per the post-mortem report. It is verified that the material witnesses including the complainant and the Investigating Officer have been examined. Ten prosecution witnesses are yet to be examined. The petitioner is not reported to be involved in any other criminal case. There are no allegations 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 bonds to the satisfaction of the learned trial Court.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

27.09.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No