

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

Criminal Misc. No.M- 31708 of 2017(O&M)

Date of Decision: November 16 , 2017.

Usha PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikas Bhardwaj, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

CRM No.36667 of 2017

Annexure P3 (collectively) reflecting the medical condition of the petitioner is taken on record subject to just exceptions.

CRM is disposed of.

CRM No.M-31708 of 2017

The petitioner prays for bail pending trial in FIR No.169 dated 27.03.2017 under Sections 498A/304B/34 IPC registered at Police Station City Rohtak, District Rohtak.

Petitioner is the mother-in-law of the deceased. It is submitted that she has been falsely implicated in this case only due to her relationship with the deceased. No specific allegation has been raised against her in the FIR. It is further submitted that the petitioner is suffering from various ailments including unstable Angina. She has been receiving psychiatric treatment since the year 2010. Reference is made to Annexure P3 (collectively) reflecting the medical condition of the petitioner. Learned counsel for the petitioner points out that the complainant in this case is not coming forward to depose before the learned trial court. In this view of the matter, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Sumit Kumar, informs that the complainant – Bijender as well as witnesses Chand and Jagdish were not available to testify before the learned trial court. They have now been summoned throughailable warrants.

A perusal of affidavit dated 25.10.2017 filed by Mr. Tej Singh, Deputy Superintendent, District Jail, Rohtak reflects that the petitioner is indeed suffering from cardiac as well as psychiatric problem. The petitioner is not reported to be involved in any other criminal case. She is in custody since 18.04.2017. Trial in this case is not likely to conclude in the near future.

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

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Usha is allowed. 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 16 , 2017.
'om'

(LISA GILL)
JUDGE

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