

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-3260-2017(O&M)

Date of decision: 27.04.2017

Bala Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.S. Siao, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Abhinav Gupta, Advocate for the complainant.

LISA GILL, J.

The petitioner who is the mother-in-law of the deceased in this case prays for bail pending trial in case FIR No. 118 dated 15.09.2016, under Sections 304-B, 498A and 34 IPC, registered at Police Station Satnali, District Mahendergarh.

It is submitted that the deceased was married to the son of the petitioner on 16.05.2011. The deceased and the petitioner's son had been blessed with a child. An accident took place on 14.09.2016 in which the deceased lost her life due to electrocution. It is submitted that during this entire period no complaint had ever been raised against the petitioner or others regarding any demand of dowry whatsoever. Furthermore, the above said FIR was registered against the petitioner, her son i.e. husband of the deceased, petitioner's daughter and another son. During investigation, the petitioner's daughter i.e. the nanad of the deceased and petitioner's other son i.e. the devar of the deceased were found innocent and they were not proceeded against. An application under Section 319 Cr.P.C. for summoning them was also dismissed by the learned trial Court.

Furthermore the minor child of the deceased and the petitioner's son is being looked after by the petitioner. The child is in jail along with the petitioner. The complainant has already been examined before the learned trial Court. Therefore, this application be allowed.

Learned counsel for the State as well as the complainant have opposed this application. It is submitted that specific allegations have been levelled against the petitioner who is the mother-in-law of the deceased.

Learned counsel for the complainant submits that the complainant's daughter lost her life within five years of marriage in her matrimonial home. The averment that the petitioner was living separately is not proved in any manner. Furthermore, the argument on behalf of the petitioner that the injuries in question merely point to the death by the electrocution needs to be rejected especially in view of the fact that the cause of death is to be ascertained after report from the chemical examiner. It is however not denied that the nanad and devar of the deceased against whom similar allegations were raised, were found innocent during investigation and the application under Section 319 Cr.P.C. stands dismissed by the learned trial Court.

Heard learned counsel for the parties.

Learned counsel for the State affirms that the minor child (grand child of the petitioner) is lodged in jail along with the petitioner. The complainant has testified before the learned trial Court. Other prosecutions witnesses are yet to be examined. Trial in this case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer. There is no allegation that the petitioner will not be available to face trial or that she will try to

influence the witnesses in not deposing true facts before the Court.

Keeping in view the facts and circumstances of this case, it is considered just and expedient to allow this petition. Consequently, the petitioner shall be released on bail pending trial subject to her furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

Petition stands disposed of.

April 27, 2017
Divyanshi

(LISA GILL)
JUDGE

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