

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

Criminal Misc. No.M-13319 of 2018 (O&M)

Date of Decision: April 05, 2018.

SUDESH KUMARI

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishva Nath Sharma, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, 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.

The petitioner prays for bail pending trial in FIR No. 88 dated 15.03.2017 under Section 304-B IPC (Section 34 IPC added later), registered at Police Station Farakpur District Yamuna Nagar.

It is submitted that the petitioner, who is the mother-in-law of the deceased, has been falsely implicated in this case only due to her relationship with the deceased's husband. No specific allegations have been raised against the present petitioner. Moreover, the petitioner and her husband had disowned their son and daughter-in-law on 07.01.2015. Reference is made to the affidavit

executed by the petitioner's husband on 07.01.2015 (Annexure P-1) and the notice duly published in the newspaper (Dainik Bhaskar) regarding disowning of the petitioner's son and daughter-in-law. The petitioner, it is submitted, is not involved in any other criminal case and has been in custody since 15.03.2017. It is informed that the complainant in this case has since testified before the learned trial Court. Similarly situated co-accused-Balvinder Kumar i.e. the husband of the petitioner, it is submitted has been afforded the concession of bail pending trial by this Court on 15.03.2018 in CRM-M-1836 of 2018 (Annexure P-4). The petitioner undertakes not to misuse the concession of bail, if afforded to her. It is thus prayed that this petition be allowed.

Learned counsel for the State has opposed the grant of regular bail while submitting that there are specific allegations against the petitioner. However, learned counsel for the State, on instructions from ASI-Rajbir Singh, does not deny that the complainant in this case has testified before the learned trial Court. The petitioner, who has been in custody since 15.03.2017, is not reported to be involved in any other criminal case. It is informed that thirteen (13) out of fourteen (14) prosecution witnesses are yet to be examined.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case. 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 of the case but without commenting upon or expressing any opinion on the merits thereof, this petition 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.

April 05, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No