

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

**CRM-M-13383-2018
Date of decision: 26.04.2018**

Jaganwati

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sunil Panwar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Saleem Ahmed, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 242 dated 27.10.2017 under Section 304-B IPC, registered at Police Station Nagina, District Nuh (Haryana).

Learned counsel for the petitioner would contend that on a similar set of allegations that the complainant received a phone call from his daughter Nirmala (since deceased), who told her while weeping that today, my mother-in-law, father-in-law, husband, brother-in-law (younger brother of husband) and both sisters-in-law have given me beatings and stated that either a car should be brought or Five Lac rupees in cash from her father otherwise she would be killed, father-in-law, both sisters-in-law have been found to be innocent. It is submitted that the petitioner herein has been in

custody since 30.1.2018 and out of 17 witnesses, 7 have been examined.

Learned counsel appearing on behalf of the State and complainant vehemently argue that there are specific allegations in the complaint against the petitioner herein for a demand of dowry which led to the deceased committing suicide and since the marriage was only two years Section 304-B IPC has been invoked.

I have heard learned counsel for the parties.

In view of the fact that the mother-in-law, petitioner herein has been in custody since 30.01.2018 and the investigation in the case is complete; out of 17 witnesses statement of 7 prosecution witnesses have been recorded the petitioner should be enlarged on bail. The arguments, however, raised that the statement of the complainant has yet to be recorded, would be of no avail at the present moment. In the opinion of the Court, the petitioner would not be in a position to influence the witnesses. In case, any witnesses have to be influenced, it would be done by the male member i.e. the father-in-law, who has not been charged so far. Consequently, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C. And not attempt to influence any of the witness.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand

withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

26.04.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.