

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

CRM-M-28300-2018

Date of decision:- 6.9.2018

Kanta Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajesh Kumar Garg, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Kanta Devi, an accused in FIR No.28 dated 1.3.2018, under Sections 306, 34 IPC, registered at Police Station Saha, District Ambala.

Briefly stated, the facts of the case as per the prosecution story are that the FIR in this case was got recorded by complainant Madan Lal son of Ramnath Gaba, resident of village Jhansa, District Kurukshetra, who in the statement made by him to the police stated that his daughter Rajni was married with Rajiv son of Baldev Raj about seven years earlier; at that time, they had given sufficient dowry articles, however, after some days of marriage, Rajni was harassed and maltreated by her husband and

in-laws family for the reason of bringing less dowry. According to the complainant, he fulfilled the demands raised by husband and in-laws family of Rajni several times but they did not refrain from raising more demands; even Panchayats were convened but to no effect; that Rajiv husband of Rajni demanded Apache motorcycle threatening that in case it was not given to him then he would torture Rajni. According to the complainant, Rajiv husband and Kanta Devi (present petitioner) demanded dowry from Rajni and forced her to commit suicide and Rajni had ended her life by hanging herself from ceiling fan with her *dupatta*.

Formal FIR had been recorded. Petitioner - accused Kanta Devi was arrested in this case. She had moved an application for regular bail in Court of Sessions at Ambala but was unsuccessful as the same was dismissed vide order dated 19.5.2018 passed by learned Additional Sessions Judge, Ambala, as such, she has approached this Court for grant of similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

A perusal of the FIR goes to show that there are specific allegations against Rajiv of demand of dowry including Apache motorcycle. As regards petitioner Kanta Devi, the allegations are general in nature. The petitioner is stated to be an old woman of 70 years suffering from age related ailments. It is further stated that there is no female member in the family to look after Ridam minor son of deceased and

Rajiv. Though the challan has been filed against the accused and the trial is going on, but its conclusion is likely to take some time and the guilt of the petitioner shall be determined during the trial.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Ambala, subject to the following conditions:

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

6.9.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No