

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

Crl. Misc. M-28664 of 2018 (O&M)
Date of Decision: August 13, 2018

Bimla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.P. Chahar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Vivek Khatri, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.550 dated 23.09.2017, under Sections 498-A, 304-B, 34 of Indian Penal Code, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 01.10.2017. It is argued that the allegations as set out in the FIR are vague and not specific, while also submitting that the material witness i.e. the complainant has since been examined, apart from other witnesses. It is submitted that the minor child is also residing in the home and there is no other female member to

look after the said child. It is also contended the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the complainant opposes the grant of regular bail to the petitioner, while submitting that the material witnesses i.e. Devender s/o Hari Chand and Ram Chander s/o Dharam Singh are yet to be examined.

On the other hand, learned counsel for the appearing on behalf of respondent-State, on instructions from the Investigating Officer, also opposes the grant of regular bail to the petitioner, while submitting that the petitioner herein is the mother-in-law of the deceased and has been charged for a serious offence punishable under Section 304-B of Indian Penal Code.

I have heard learned counsel for the parties and have also perused the pleadings of the case.

Since, the trial is likely to take some time and in view of the facts; that the petitioner herein has been in custody since 01.10.2017; that the material witness i.e. complainant has been examined; that there is a minor child, who is in the custody of the husband of the petitioner; and that husband of the deceased is still in custody, no useful purpose would be served in keeping the petitioner behind bars. So far as objection raised by learned counsel for the complainant regarding other material witnesses, this court is of the considered view that the petitioner herein would hardly be in a position to influence them. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal

bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, in case, the petitioner herein threatens or criminally intimidate the said witnesses either directly or indirectly, the respondent-State and the counsel for the complainant are at liberty to approach this court for cancellation of bail.

August 13, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No