

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

Crl. Misc. No. M-31929 of 2017

Date of Decision : February 07, 2018

Ram KaliPetitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Harish Davedi, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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LISA GILL, J. (Oral)

The petitioner, who is the mother-in-law of the deceased, seeks the concession of bail pending trial in FIR No.115 dated 22.05.2017 under Sections 306/201 IPC registered at Police Station Sadar, Panipat.

It is submitted that the petitioner's son and the deceased were married in the year 2009. They were blessed with a son who is now aged about 6-7 years. Allegation as per the FIR is of the petitioner's son beating the deceased without any reason after intoxication. It is further mentioned in the FIR that the present petitioner along with other family members also used to beat the deceased on small issues and it is due to this reason that the complainant's daughter committed suicide after pouring kerosene oil upon herself. While referring to the Suicide Note (Annexure P1) it is submitted that in stark contradiction it is mentioned that the petitioner's son never subjected the deceased to any kind of harassment and allegations have been

levelled against the present petitioner, sister-in-law and brother-in-law of

the deceased. It is submitted that the complainant in this case is not coming forward to depose before the learned trial Court. It is further submitted that on 13.12.2017 bailable warrants were issued to summon the complainant-Rajpal as well as the witnesses Devender and Garima. Reference is made by the learned counsel for the petitioner to the order dated 06.02.2018 passed by the learned trial Court wherein it is mentioned that fresh bailable warrants be issued in respect to the complainant as well as the witnesses Devender and Garima. However, the said witnesses have not appeared before the learned trial Court till date. Learned counsel for the petitioner further states that the petitioner suffers from a disability due to which she is getting disability pension of ₹1800/- through the Social Welfare Department Haryana. The petitioner has been in custody since 01.06.2017 and is not involved in any other criminal case. Therefore, this petition be allowed.

Learned counsel for the State is unable to deny order dated 13.12.2017 passed by the learned trial Court or that the complainant has not come forward to depose till date. It is verified by learned counsel for the State, on instructions from ASI Parminder, that the petitioner is not involved in any other criminal case. She has been in custody since 01.06.2017. There are no allegations that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial of the case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case noted above but without expressing any opinion on the merits of case, it is

considered just and expedient to allow this petition.

Consequently, 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.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on the trial.

07.02.2018

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No