

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-39353 of 2018
Date of decision : October 11, 2018

Krishna

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Pradeep Virk, Advocate, for the petitioner

Mr. Munish Sharma, AAG, Haryana for the State with
SI Vajinder Singh, PS Kharkhoda, Sonapat

Fateh Deep Singh, J. (Oral)

This order shall dispose of regular bail application under Section 439 Cr.P.C. moved by petitioner-accused Krishna in case bearing FIR No. 16 dated 9.1.2018, under Sections 306, 34 IPC, Police Station Kharkhoda, Sonapat.

The brief allegations of the prosecution are that a marriage of Komal deceased and Shri Bhagwan co-accused took place on 16.12.2012 and that during the course of matrimonial alliance, it is alleged that Komal died as a consequence of burn

injuries sustained by her in her matrimonial home on 8.1.2018. Petitioner Krishna happens to be married sister of the husband of the deceased and has been arrested on 21.1.2018.

Mr. Pradeep Virk, counsel for the petitioner has contended that a bare perusal of the FIR does not in any manner substantiate any allegations of abetment to suicide much less by the petitioner and has submitted that the petitioner is a middle aged woman residing separately in a distant city and no specific role is attributed to her in this crime.

On behalf of the State, learned State counsel has stoutly opposed the grant of bail on the grounds of heinousness of crime and seriousness of allegations though has conceded the fact that no statement has come about attributing any role to the petitioner.

Heard.

In the light of the allegations contained in the FIR Annexure P/1, the own stand of the learned State counsel when specific query was put to him by the Court as to any incriminating evidence against the petitioner, has fairly conceded that none has come forward to testify against her though the death of Komal has come about within approximately six years of her marriage by means of un-natural cause. However, the petitioner being married sister-in-law living separately in a different city in the absence of any specific

role together with the fact that she is behind the bars since 21.1.2018 and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in custody. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sonapat.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

October 11, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>