

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

**CRM No. M-42845 of 2018
DATE OF DECISION : 11.10.2018**

Som Lata

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. A. P. S. Mann, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Ajit Pal singh Sabharwal, Advocate,
for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose of first bail petition under Section 438 Cr.P.C of the petitioner filed in this case bearing FIR No.47 dated 28.08.2018 under Section 306/34 IPC registered at Police Station Talwara, District Hoshiarpur. The petitioner happens to be the mother-in-law of deceased Anita Devi w/o accused/non-applicant Pradeep Kumar.

Brief allegations brought to the notice of this Court are that marriage between Anita Devi and Pradeep Kumar took place on 27.11.2010 and out of this wedlock, two daughters who are as on date, aged around 06 years and 03 years, have been born to the couple. On account of matrimonial dispute between

the couple, there had been differences and as a consequence of which, a Panchayati settlement had been arrived at between the parties. It is alleged that on 26.08.2018, the Piara Lal-complainant/father of the deceased, had received a telephonic call of the deceased, whereby she had expressed her apprehension that accused side might put her to death and subsequently, a telephonic message was received from Pradeep Kumar that the deceased has committed suicide, leading to the registration of present case.

Learned counsel for the petitioner has submitted that petitioner Som Lata, also referred to as Soma Devi, is the mother-in-law of deceased Anita Devi and she has not been attributed any specific role in the commission of offence and that even the earlier settlements were for the purposes of sorting out matrimonial dispute between the husband and wife. He further contends that the incident had taken place on 27.08.2018, after seven years of the marriage. He further contends that no presumption under the Indian Evidence Act, 1872 stands fulfilled and in the absence of any specific role attributed to the petitioner, she is entitled to concession of anticipatory bail.

Learned State counsel, duly assisted by counsel for the complainant, has vehemently opposed the bail application on the ground that being mother-in-law was an instrument leading to her implication and has sought to place reliance upon the compromise dated 12.10.2013 to hammer the point that she is

the cause of this incident and that the petitioner does not deserve the concession of anticipatory bail.

Appreciating the submissions of learned counsel for the petitioner and that of the State side and bare perusal of the FIR which has been registered by the complainant Piara Lal-father of the deceased Anita Devi, neither any allegations have been stemmed up against the petitioner Som Lata @ Soma Devi in the commission of offence, nor any specific role has been attributed to her anywhere in the investigation. When posed with the specific query, learned State counsel could not bring out any tangible evidence to that effect. However, a copy of settlement dated 12.10.2013 has been placed on record, a bare perusal of which shows that it is a simplicitor dispute between the husband and wife and no allegation can be gathered from this document against the present petitioner. Purely because the petitioner happens to be the mother-in-law, does not bears out that she is culpable because of her status in that capacity. The death has taken place after almost eight years of the marriage. Since nothing is to be recovered from the petitioner, her joining the investigation will suffice the purpose. It would be travesty of justice to send the petitioner behind the bars who is in advanced age.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of Arresting/Investigating Officer

till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall, however, join investigation, as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of trial Court.

However, the complainant shall be at liberty to meet the minor children of the deceased, after ensuring mutual arrangement by two sides.

The petition is disposed of 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.

(FATEH DEEP SINGH)
JUDGE

OCTOBER 11, 2018
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Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO