

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

**Criminal Misc. No. M-44277 of 2018
Date of decision: 30.10.2018**

Laxmi Devi

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ravi Sodhi, Advocate and
Mr. M.M. Pandey, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J.

Petitioner-Laxmi Devi has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.3 dated 08.01.2018 registered under Section 306 read with Section 34 IPC at Police Station Baragudha, District Sirsa during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas she has no concern with the family of the complainant as she was married in a different family but in the same village. The sister of the petitioner, namely, Raj Kala (since deceased) was married with Dharampal i.e. son of the complainant and prior to the occurrence, she has committed suicide due to maltreatment by the complainant's family. Learned counsel further submits that on account of suicide committed by Raj Kala, sister of the petitioner, FIR No.77 dated

27.05.2017 was registered at the instance of father of the petitioner under Section 306 IPC at Police Station Badagudha. Not only the son of the complainant but her husband was also arrested. The statement of the petitioner was recorded under Section 161 Cr.P.C by the Investigating Agency and she was one of the witness in said FIR No.77. Due to that reason, the petitioner has been implicated in the case. Learned counsel also submits that the petitioner never visited the house of son of the complainant and on the basis of totally concocted version, the petitioner has been implicated. No incriminating evidence was collected against the petitioner to prove the involvement of the petitioner in the alleged occurrence. Even no suicide note was left by the deceased. Learned counsel also submits that the petitioner is in custody since 10.01.2018. The investigation has been completed and challan has been presented. Nothing is to be recovered from the petitioner and out of total 21 prosecution witnesses, only 6 witnesses have been examined including the complainant. Earlier bail petition i.e. Criminal Misc. No. M-19818 of 2018 filed by the petitioner before this Court was dismissed on 01.06.2018 on the ground that statement of material witnesses has not been recorded so far and there can be possibility of absconding the petitioner and tampering with the prosecution evidence. Now statements of all material witnesses have been recorded. At the end, learned counsel for the petitioner submits that the petitioner is having a child of eight years of age and no other case or complaint is pending against the petitioner.

Learned State counsel has not disputed the custody period as well as recording of statements of six material witnesses and also the fact

that no other case or complaint is pending against her.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that all the material witnesses have been examined; no suicide note was left by the deceased and allegations are matter of evidence, which can be tested during trial; the petitioner is in custody since 10.01.2018; the trial may take considerable time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Laxmi Devi) is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

30.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes