

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-50815 of 2018

Date of Decision: 26.11.2018

Krishna

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.138 dated 05.07.2018 under Sections 302, 34, 120-B IPC registered at Police Station Baund Kalan, District Charkhi Dadri.

Learned counsel for the petitioner has argued that the deceased Sunita, who was married with Gulshan about 19 years back, died on 04.07.2015. The petitioner is mother-in-law of Sunita (deceased), but they were living separately. He refers to ration card Annexure P-1 issued in the name of the petitioner and her husband Jagdish. He has argued that the allegation against the petitioner is that she had instigated Gulshan to

commit murder of deceased Sunita, as she had not brought Rs.50,000/- from her parental house. Once the petitioner is already staying separately from the deceased, there is no question to harass the deceased for bringing dowry.

On the other hand, learned State counsel, on instructions from HC Ombir, has argued that the petitioner has confessed that he has committed the crime in association with co-accused Gulshan. The place of incident was demarcated by the petitioner. Even the co-accused Gulshan has stated that the petitioner was his accomplice in the said crime. Though the petitioner has placed on record separate ration card in respect of herself and her husband, but no separate ration card has been attached in the name of co-accused Gulshan.

I have heard learned counsel for the parties.

The allegation against the petitioner is that she along with her son Gulshan had committed murder of her daughter-in-law Sunita, as she had instigated her son Gulshan to raise demand of Rs.50,000/-, as dowry, from the parents of Sunita. Since that demand was not met, the petitioner in connivance with her son, committed murder of Sunita. However, the ration card Annexure P-1 reflects that the same was issued on 28.08.2008 by the Food and Supplies Department and that ration card relates to the petitioner and her husband Jagdish only, to substantiate that they were residing separately. The argument raised by learned State counsel that co-accused Gulshan has stated that the petitioner was an accomplice in the crime and was residing with him, does not find favour for the reason that the petitioner in order to justify her claim has duly attached her own

separate ration card. Thus, the statement of Gulshan, which has not led to recovery of his separate ration card, cannot be accepted at this stage.

Considering the fact that the petitioner, who is an old lady of 63 years of age, is in custody since 10.07.2018 and the trial in the case will take sufficient long time and culpability of the petitioner shall be established only during the trial, no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release her on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall be confined to the present petition only and the same shall not be construed as any expression on the merits of the case.

November 26, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No