

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

Criminal Misc. No.M- 6355 of 2018(O&M)

Date of Decision: February 21 , 2018.

Birmati

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Deepshikha Chauhan, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.639 dated 05.10.2017, under Sections 34/302 IPC (challan presented under Sections 306/34 IPC), registered at Police Station Sonipat City, District Sonipat.

It is submitted that the petitioner is the mother-in-law of the deceased and she has been falsely implicated in this case only due to her relationship with the deceased's husband. Learned counsel for the petitioner further submits that the petitioner alongwith her other son was living separately from the complainant's daughter and her husband at Malviya Nagar. The deceased and the

petitioner's son were living at Hanuman Nagar. Furthermore, the real sister of the deceased is married to another son of the petitioner and she is living in peace and harmony in her matrimonial home at Malviya Nagar alongwith the present petitioner. It is pointed out that absence of any injury on the person of the deceased as per the post-mortem report (Annexure P3) negates the averments in the FIR that the complainant's daughter was subjected to any kind of physical abuse. After investigation the final report under Section 173 Cr.P.C. was presented under Sections 306/34 IPC. Charge against the petitioner has however been framed under Section 302 read with Section 34 IPC and in the alternate under Section 306 read with Section 34 IPC. It is vehemently argued that there is no evidence on record to indicate the commission of offence punishable under Section 302 IPC qua the present petitioner, especially in view of the medical evidence on record. The petitioner undertakes to face trial and not to misuse the concession of bail, if afforded to her. It is thus prayed that this petition be allowed.

Certified copy of charge-sheet dated 17.01.2018, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the cause of death in this case was asphyxia due to hanging. As per the post-mortem report, no external injury was detected on the person of the deceased. Learned counsel for the State, on instructions from ASI Naresh, verifies that the petitioner was living separately from the deceased and her husband at Malviya Nagar alongwith the other son of the petitioner, who is married to the real sister of the deceased.

The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. 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.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 21 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No