

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

CRM-M-8865-2018

Date of decision: 24.05.2018

Asha Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.D.Sharma, Advocate,
for the petitioner.

Mrs. Anju Arora, Addl. Advocate General, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 65 dated 15.06.2017 under Sections 304-B, 201 IPC, registered at Police Station Kiratpur Sahib, District Rupnagar, wherein charge under Section 302 IPC has also been added later on.

It is contended by learned counsel for the petitioner that the petitioner herein is the mother-in-law of the deceased aged 64 years and in fact the allegations as set out in the FIR would not be substantiated. It is argued that three months prior thereto the complainant i.e. the mother of deceased had got her younger daughter engaged to the younger brother-in-law of the deceased and in case the deceased was suffering on account of ill-treatment such engagement would have not taken place. It is also argued

that the petitioner herein has been in custody since 16.06.2017 and the trial is likely to take some time to conclude while also submitting that she would not be in a position to influence any of the witnesses and that her son, husband of the deceased, is in custody.

Mrs. Anju Arora, learned Addl. Advocate General, Punjab appearing on behalf of the respondent-State opposes the grant of regular bail while submitting that the allegations in the FIR read that the engagement had taken place on account of compulsion and pressure exercised by the petitioner and her family members.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 16.06.2017; the trial is likely to take some time to conclude as the evidence is yet to be recorded, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

24.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.