

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-55013-2018 (O&M)

Date of Decision: December 20, 2018

Baby

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Johan Kumar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is the 2nd petition which has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner-who is the mother- in- law of the deceased, in case FIR No.530 dated 13.06.2018, under Sections 304-B, 34, 498-A of Indian Penal Code, registered at Police Station Saraikhawaja, Faridabad.

Learned counsel for the petitioner would contend that the first bail was disallowed since the charges had not been framed at the relevant time. It is contended that the charges have now been framed and that the allegations as set out in the FIR are qua two other co-accused i.e. the father-in-law and the younger brother of the husband of the deceased and they were found to be false and they were not charged. He further contends that the statement of the material witness namely the complainant has been recorded. Learned counsel for the petitioner contends that the petitioner

herein was taken into custody in the aforesaid FIR on 23.07.2018. It is submitted that the petitioner has been falsely implicated in the present case and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that statement of the material witnesses have been recorded and that the father-in-law has been found innocent.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 23.07.2018 and that the statement of the material witness have been recorded and that the father-in-law and the younger brother of the husband has also been found innocent and that the husband of the deceased is still in custody, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 20, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No