

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9434-2019

Date of Decision: 6.3.2019

Kamla Devi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gautam Diwan, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioner in case FIR No.48 dated 15.2.2018 registered for the offences punishable under Sections 304-B, 34 of Indian Penal Code (for short, “IPC”) at Police Station Pinjore, District Panchkula.

Heard.

This Court would like to reproduce the relevant part of the FIR as under : -

“.....After some time of marriage, Vikram started harassing my sister for dowry and started beating my sister. In this regard our Panchayat have been convened many times. Even thereafter Vikram did not stop harassing and beating to my sister. Then we came to Pinjore and took Karuna along with us to our house at Faridabad. That we have got registered a case of demand of

dowry at Fatehabad against Vikram my Jija upon his demand of dowry. That now our case is subjudice in the court. Thereafter one year ago Vikram take back my sister Karuna to his own house upon mutual understanding of all the respectable. It was going smoothly for some time thereafter Vikram has again started harassing and humiliating to my sister. Yesterday dated 14.02.2018 a call has been received by my mother from my sister Karuna. That my husband and my mother-in-law Kamla are harassing me very much and I am very much disturbed. Thereafter called my sister Karuna and she repeated the same to me. Then I make a request to my Jija (brother-in-law) Vikram not to harass my sister and I told him that I will come in the morning and take my sister. That today I could not come to Pinjore at my sister Karuna's house due to my own work. Today dated 15.2.2018 in afternoon my Jija Vikram Kumar ranged me up and told me that a quarrel is going on between me and your sisters so you come. In this regard I told my maternal uncle Rajinder Kumar. Thereafter I again talked my Jija on phone and asked him to let me talk to my sister but my Jija Vikram did not put my sister on call and handover the phone to my nephew Jashan aged about 3 years and my nephew was talking on phone that Mamma let you talk, Mamma wake up and take up the phone, thereafter my brother-in-law took the phone and even on several request he did not put my sister on call and disconnect the phone. Thereafter some time my brother-in-law ranged me and told that my sister has ended his

life by strangulating herself on fan by with Dupatta.....”

No specific allegations have been levelled against the petitioner. Only a single line has been added that she has also been harassing. No allegation of demand of dowry was made. The petitioner is 65 years old.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kamla Devi wife of late Shri Om Parkash is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her 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 her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

March 6, 2019

Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No