

**212-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15472-2019
Date of Decision : 02.05.2019

SantoshPetitioner

versus

State of HaryanaRespondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

The allegations against the present petitioner-Santosh, in this first anticipatory bail application, filed before this Court, in a case bearing FIR No.50 dated 11.02.2019 under Sections 304-B/406/498-A/34 of the Indian Penal Code registered at Police Station Khedki Daula, Gurugram, District Gurugram, have been levelled by complainant-Laxmi, mother of deceased-Kavita.

In her allegations, the complainant claims that her daughter, now deceased, was married about 05 years prior to the occurrence, which took place on 11.02.2019 and that the husband of the deceased, namely, Raj

Kumar, was a drunkard and often used to physically abuse the deceased regarding which her daughter used to often confide with her. It is further claimed that on the demand of the husband/accused-Raj Kumar, the complainant was forced to give ₹40,000/- to save the marriage, hence, on the day of the occurrence, a telephonic message was received from the accused, Raj Kumar that Kavita has become unwell and admitted in the hospital and on reaching the same, it was found that deceased had passed away, leading to the registration of the FIR.

Learned counsel for the petitioner contends that from the bare perusal of the FIR it appears that no allegations have come about against the petitioner, who happens to be aged above 71 years, mother of the husband of the deceased and that nothing is to be recovered from her and her joining the investigations would suffice the purpose.

The learned State counsel, on instructions from ASI Sajjan Singh, Police Station Khedki Daula, Gurugram, though does not displace the facts, so brought to the notice of this Court by counsel for the petitioner but has stoutly opposed the grant of bail on the ground of seriousness of the allegations and heinousness of the offences.

Appreciating the submissions and bare perusal of the FIR does not attribute any role to the petitioner in the commission of offences. Admittedly, petitioner is a senior citizen, however, her joining investigations would suffice the purpose and it would be travesty of justice by sending the petitioner behind the bars.

In the event of arrest, the petitioner shall be released on interim

bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off.

02.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No