

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-18981 of 2019
Date of decision : May 03, 2019

Sudesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Aman Pal, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State with
SI Ram Parkash, PS Ladwa, Kurukshetra

Fateh Deep Singh, J. (Oral)

Petitioner mother-in-law Sudesh who is in judicial custody has filed this regular bail application before this Court in case bearing FIR No. 189 dated 1.6.2018 under Sections 306, 304-B, 34 IPC, Police Station Ladwa, District Kurukshetra.

The facts detailed before this Court are that the present case was got registered by Manoj Kumar brother of deceased Sapna alleging that the marriage of his sister with one Roopak was solemnized in the year 2016. Though a girl child was born to the

couple but the same died after some time. It is alleged that after this incident, the deceased was ill-treated by the present petitioner on account of which 21 days prior to this occurrence which took place on 1.6.2018, the deceased had come to her parental house. The complainant alleged that during this period the husband used to telephonically torture and threaten the wife and thus forcing her to commit suicide by hanging. The deceased had left behind a suicide note.

Mr. Aman Pal, counsel for the petitioner, inter-alia contended that the allegations of the complainant are based on mere hearsay and that the deceased was in fact under depression on account of foetal death of the child born to her and has sought to argue that bare perusal of the suicide note nowhere attributes any role to the petitioner and even the accusation levelled by the complainant are vague and bogus and there is no element of abetment to suicide and has sought to place reliance on **S.S.Chheena vs Vijay Kumar Mahajan and another, 2010(4) R.C.R. (Criminal) 66.**

Learned State counsel Mr. Baljinder Virk assisted by SI Ram Parkash has stoutly opposed the grant of the bail on the grounds that if allowed bail, the petitioner mother-in-law being principal accused will stifle the trial. There are strong circumstances

to prove her guilty and in view of the heinousness of the offence dis-entitles her to any relief.

Appreciating the submissions, a close look at the allegations levelled in the FIR by the complainant usual of petty quarrels between mother-in-law and the daughter-in-law and the wording used in the suicide note details that the deceased was fed up with the petitioner as she never treated the deceased as her daughter and her behaviour was always strange and did not feel comfortable to live with her. Thus from the accusation of the prosecution and in view of the cited ratio, a debatable issue arises over the applicability of offence of abetment to suicide and that in the absence of any allegations over the demand of dowry by the accused side even offence under Section 304-B IPC is highly fringing upon doubt. The allegations if any can only be established after the prosecution leads its evidence. The petitioner is an aged lady and is behind the bars since a long time whereas the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kurukshetra.

The present petition stands disposed off accordingly.

The observations made herein above shall have no

bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 03, 2019
'tiwana'

(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No