

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

CRM-M No.23419 of 2019
Date of decision: 31st May, 2019

Sukhdevi @ Sukh Devi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Randeep S. Dhull, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner mother-in-law Sukhdevi alias Sukh Devi in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.171 dated 11.04.2019 under Section 306 IPC pertaining to Police Station SGM Nagar, Faridabad (Haryana) have been levelled by Govind father of the deceased Savitri. The precise allegations are that marriage between the deceased and Pawan son of the present petitioner was solemnized on 30.01.2012 out of which the couple was bestowed with two sons. The complainant has complained that the accused husband, father-in-law, mother-in-law and sisters-in-law used to often harass and humiliate the deceased and demanded cash and had physically abused her on that score and it was on 11.04.2019, the deceased died as a consequence of having consumed some poisonous substance leading to registration of the present case.

Learned counsel for the petitioner Mr. Aditya Sanghi, Advocate inter alia contends that a bare perusal of the allegations and the claim in the FIR reveals that there is no element of abetment having been meted out by any of the accused including the petitioner mother-in-law and has sought to place heavy reliance on the conversation between the deceased and her husband by way of Annexure P4 as well as photographs (Annexure P10) to establish that it was a happy family and it was on account of some amorous relations of the wife which has led to differences compelling the deceased to take this step to save her honour.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Kamal Sharma assisted by Mr. Randeep Singh Dhull, Advocate representing the complainant though have not displaced the facts that have been narrated before this Court by learned counsel for the petitioner but have stoutly opposed the grant of bail on the grounds that specific allegations have come about in the FIR against the petitioner for demand of cash, harassment and therefore, custodial interrogation of the petitioner is very much essential.

Appreciating the submissions of the two sides, the allegations that have come about are mere of demand of cash and that too hovering around the time of the occurrence. Neither learned counsel for the complainant nor learned State counsel could prevail upon this Court any allegation prior to this occurrence with specific dates and instances on this score, if any complaint was ever made for this harassment or

panchayat convened, as argued by learned counsel for the petitioner. The petitioner is aged mother-in-law and a debatable issue arises over the very applicability of Section 306 IPC which can be adjudicated only at the trial. In view thereof, this Court is of the opinion that it would be a travesty of justice to send the petitioner behind bars in the present case. Therefore, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). She shall continue to join investigation and shall furnish an undertaking that she shall 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 accordingly.

(FATEH DEEP SINGH)
JUDGE

May 31, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No