

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

**CRM M-51766 of 2018
Date of Decision: February 15, 2019**

DarshnaPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vijay Pal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Manoj Kaushik, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 298 dated 02.06.2018 under Sections 304-B read with Section 34 IPC registered at Police Station Jind, District Jind.

The present case as per the facts divulged before this

Court has been registered on the statement of Sudama brother of deceased Kirti married lady 23 years of age wife of accused non/applicant Kuldeep married about 1 ½ years prior to this occurrence which took place on 01.06.2018. The complainant has levelled allegations that his sister and her husband Kuldeep were residing in a tenanted premises away from that of the in-laws, who were residing at some distance and that on account of harassment, cruelty on account of various demands raised by the in-laws family, the deceased was either murdered and, thereafter, hanged or has committed suicide. It is, subsequent, after the report of the laboratory, it has been opined by the Medical Board that the deceased has died on account of hanging. The petitioner was arrested on 29.06.2018.

Mr. Vijay Pal, learned counsel for the petitioner, inter alia, contends that the petitioner is behind the bars since 29.06.2018 and that there is no specific role attributed to her in the commission of the offence and that admittedly as per the own stand of the complainant in the FIR, the deceased and her husband were having separate residences away from that of the accused/petitioner and that the trial is likely to take a long time.

On behalf of the State, Mr. Amrik Narwal, DAG, Haryana assisted by HC Balwan Kumar and Mr. Manoj Kaushik, Advocate for the complainant though does not dispute the facts brought to the notice of this Court by the petitioner side but has strongly opposed the grant

of the relief on the grounds that even the very first marriage of Kuldip accused had ran into rough weather and case under the Dowry Prohibition Act, 1961 was got registered against the family and similar is the case of other brother Surinder who too had to undergo second marriage after first marriage his in-laws have lodged FIR against the family and that they are habitual of commission of such offence against their daughters-in-law and was not entitled to concession of any bail.

Appreciating the submissions admittedly the petitioner-mother-in-law is aged above 70 years and there are no specific allegations against the petitioner or having attributed role in the commission of the offence. It is the own stand of the complainant side that the deceased and her husband co-accused non-applicant Kuldip were living separately from other members of the family. The deceased has died on account of hanging by chunni as is the opinion of the doctor and, thus, debatable issue has arisen over the role attributed to the petitioner in the commission of the offence and culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein

shall not be construed as an expression on the merits of the case.

Disposed off.

February 15, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No