

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-27272-2019 IN/AND
CRM-M-33534-2019.

Date of decision: 11.9.2019

Rajwanti alias Bhuria

... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Narender Pal Bhardwaj, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J (ORAL)

CRM-27272-2019

Prayer in the misc. application is for placing on record, copy of representation sent to the Senior Superintendent of Police, Jind dated 22.5.2019; copy of certificate dated 28.3.2019, issued by Principal, Patel Sr. Sec. School, Pillu Khera; copy of post mortem report dated 27.2.2019; copy of FSL crime scene report dated 27.2.2019; report of pathology Department dated 3.4.2019, copy of FSL report dated 20.3.2019 and copy of ration card dated 28.2.2005, as Annexures P4 to P10.

For the reasons stated in the misc. application, the same is allowed. Annexures P4 to P10, are taken on record.

Main case

Prayer in this petition filed under Section 439 Cr.P.C. is for the grant of regular bail in case FIR No.31 dated 26.2.2019, under Section

As per the FIR, immediately after marriage, in laws of the deceased started harassing her for dowry. The deceased has informed the complainant that the accused namely Anil (husband), Santosh (mother-in-law), and Bhuri wife of Subhash, (the present petitioner who is aunt of Anil) and Praveen (brother-in-law), have given beatings to the deceased. The petitioner also used to instigate Anil (husband of Poonam) to beat her (deceased) for demand of dowry, as Anil had illicit relations with the present petitioner.

Learned counsel for the petitioner has argued that the petitioner is aunt-in-law of the deceased Poonam, who was married with Anil on 19.1.2013. The petitioner is in custody since 12.4.2019, the deceased Poonam had died by hanging on 26.2.2019. Merely because there is allegation that the petitioner has illicit relations with Anil, in no manner attract, the offence as defined under Section 304-B of the IPC. Moreover, the petitioner is living separately from the family of the deceased. There is a separate ration card of the family of the petitioner. Learned counsel refers to the FSL report dated 27.2.2019, to contend that there is no struggle mark noticed at the spot and there was no injury or struggle mark noticed on the body of the deceased. The allegation that the petitioner has some illicit relations with Anil who is husband of deceased Poonam, is not sufficient enough to make her an accused in the present FIR.

Learned State counsel, on instructions from ASI Neer Kumar, does not dispute the custody period, however, she states that though the petitioner is maintaining separate ration card, but fact remains that she use to remain in the same house and the petitioner used to instigate Anil to give

beatings to deceased Poonam and for this reason, she died within 7 years of her marriage.

Heard the learned counsel for the parties.

The petitioner is in custody since 12.4.2019 and the marriage between the parties was solemnised on 19.1.2013. The mother-in-law and brother-in-law have been found innocent during investigation. The present petitioner being aunt-in-law of the deceased (real aunt of the husband of the deceased) is not likely to be benefitted from the dowry. The culpability of the petitioner, therefore, is yet to be established during trial. Therefore, this Court finds that the petitioner deserves to be released on bail.

Accordingly, without observing anything on merits of the case, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

(HARI PAL VERMA)
JUDGE

September 11, 2019.
raj arora

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No