

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

216

CRM-M-37709-2019 (O & M)

Date of Decision:11.09.2019

Raj Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harkesh Manuja, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.92 dated 24.01.2018, under Sections 302, 328 and 34 IPC, registered at Police Station Chandni Bagh, Panipat, Haryana.

The prosecution case is that on 24.1.2018, a written complaint has been moved by complainant Tejbir alleging therein that his son Rohit was married with Priya in the year 2013. The relations between his son Rohit and Priya had become strained as Priya and her mother Rajbala were of questionable character. Priya used to spend most of the time in her parental house and whenever Rohit intervened, she used to extend threat to give divorce to him. The complainant alleged that in the year 2016, Priya had filed a case of divorce against Rohit but then the matter had been settled in the Panchayat and they had given a sum of Rs.2.5 lacs to Priya and her family members. The complainant alleged that thereafter also, Priya and her family members used to extend threats to his son and Priya used to extort money from him. Priya and her family members used to say that they could kill Rohit who was their only son. The complainant further alleged that on

18.1.2018, Priya had called Rohit at Panipat and on 19.1.2018 at about 11.30 a.m., Rohit made a call to Bhim Singh nephew of the complainant and informed that Priya, father-in-law Sarwan Kumar, petitioner-Rajbala (mother-in-law), brother-in-law Ankit and the son of neighbourer Pala had forcibly administered some poisonous substance to him and had left him at Shiv Chowk. Bhim Singh informed the family members of the complainant and thereafter, Pawan, who was residing at Panipat was informed and he got admitted Rohit in Civil Hospital, Panipat and then he was taken to Subharti Hospital, Meerut, where he was declared to be dead. The son of the complainant had been killed by the applicant-accused, Priya and other members by administering some poisonous substance to him.

Learned counsel for the petitioner contends that the petitioner is in custody since her arrest on 28.08.2018. He further contends that he was married to the daughter of the petitioner on 06.07.2013, and as per prosecution the victim had gone to the house of the petitioner where his wife was residing, when poison was administered to the victim forcibly by five persons. He submits that victim died on 19.01.2018 and the FIR was registered after a delay of five days i.e. 24.01.2018. According to him, no external injury on the person of the victim was found to indicate forcible administration of poison. He submits that the allegations of the complainant were not found believable against the son of the petitioner and neighbour as the challan was filed against the petitioner and her daughter, and husband of the petitioner had died during the pendency of the investigation. According to him, the investigation of the case is complete and the further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI

Krishan Lal has opposed the bail application. However, it is not disputed that there is no external injury on the person of the deceased as per the post-mortem report. According to him, brother-in-law of the deceased and neighbour of the petitioner were found innocent after investigation. He submits that after examination of one of the witnesses, the application under Section 319 Cr.P.C. has been filed by the prosecution for arraigning additional accused in this case and the same is pending for 26.11.2019.

At this stage, learned counsel for the petitioner contends that it is further likely to delay the trial and, therefore, the concession of regular bail be extended to the petitioner, who is a lady and is confined in the custody for more than one year.

In view of the above, the trial of the petitioner, who is a lady is likely to consume some time and no useful purpose would be served to further detain her in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

11.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No