

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

CRM-M-42011 of 2019.

Decided on:- December 06, 2019.

Bachni Devi.

.....Petitioner.

Versus

State of U.T. Chandigarh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rishu Garg, Advocate
for the petitioner.

Mr. Manish Jain, A.P.P., U.T., Chandigarh.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.3 dated 3.1.2019 under Section 304-B read with Section 34 IPC registered at Police Station Mauli Jagran, Chandigarh.

The aforesaid FIR was registered at the behest of complainant Rakesh Kumar, who is brother of deceased Beauty Devi. As per the FIR, Beauty Devi (since deceased) was married with accused Ritu Raj @ Sonu on 18.04.2018. The petitioner is mother-in-law of the deceased. The complainant has alleged that they have made expenses in the marriage as per their capacity. The deceased was kept well in the matrimonial home by the accused for initial 1½ month, but thereafter, they started torturing her and demanded a

Bullet motorcycle and cash amount. The complainant and his parents had disclosed the fact that they have already spent sufficient money as per their capacity and, therefore, they are not able to fulfil their demand. The mobile phone given to the deceased so that she can talk with the family of the complainant was broken by her husband. Even the jewellery given to the deceased in the marriage was also sold by her husband. The accused including petitioner Bachni Devi told the deceased to do the household work of Gobinda and his children e.g. cooking food, washing clothes etc. as Gobinda is uncle of the husband of deceased. However, when the deceased refused for the same, the accused used to beat her.

Learned counsel for the petitioner has argued that the petitioner is in custody since 03.01.2019, the day on which the FIR was registered. As per the allegations in the FIR, the accused have demanded a Bullet motorcycle and cash amount. The petitioner being mother-in-law of the deceased was not likely to be benefitted with the demand of the motorcycle. Moreover, Beauty Devi had died because of hanging.

He further contends that the trial in the case is not likely to be concluded in near future as the case was fixed before the trial Court for prosecution evidence on 23.09.2019, but no prosecution witness was examined on that day. Thereafter, the FSL report in the case was received on 13.11.2019 and the case is now fixed for recording prosecution evidence on 16.12.2019.

Learned State counsel has filed custody certificate of the petitioner in Court, which is taken on record. He does not dispute the custody of the petitioner and the allegations levelled against her.

I have heard learned counsel for the parties.

The petitioner is in custody since 03.01.2019. The allegation against the accused is of demand of Bullet motorcycle and the cash amount. So far as the demand of motorcycle is concerned, the petitioner was not likely be directly benefitted for such demand.

Therefore, considering the fact that the petitioner being a lady and is mother in law of the deceased is in custody since 03.01.2019 coupled with the fact that the trial is not likely to be concluded in near future, this Court finds that no fruitful purpose would be served by detaining her in custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 06, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No