

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

CRM-M- 43261 of 2019.
Decided on:- November 16, 2019.

ChandiPetitioner.

Versus

State of HaryanaRespondent.

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

Present:- Mr.Tejinder Pal Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.64 dated 15.04.2019 under Section 304-B read with Section 34 of the Indian Penal Code (Section 328 IPC was added lateron) registered at Police Station Sanoli, District Panipat.

The aforesaid FIR was registered on the behest of Ashok, complainant, whose sister Saroj got married with Ajay Kumar, resident of village Chajpur Kalan, and has died on 15.04.2019.

Learned counsel for the petitioner states that the marriage of the deceased was solemnized with Ajay Kumar about 7 years back. There is no allegation of demand of Rs.1,50,000/- against the petitioner and such allegation if any is against the co-accused Ajay Kumar (husband of the deceased). There is no mark of injury on the person of the deceased, therefore, the allegation that she was forcibly administered poison, cannot be accepted. The co-accused Devinder (brother-in-law) and Reena (sister-in-law) of the deceased were found innocent by the police during investigation

and now the prosecution has filed an application under Section 319 of the Code of Criminal Procedure, so as to summon these persons, which is pending before the trial Court for 06.12.2019. He states that petitioner is in custody since 23.04.2019 and decision on pending application under Section 319 Cr.P.C., is likely to take some time.

Learned State counsel has argued that immediately before her death Saroj (deceased) on 15.04.2019 at about 10.30 AM, has informed the complainant that the petitioner alongwith other co-accused i.e. Ajay Kumar (husband) Devinder (brother-in-law) and Reena (sister-in-law) are giving beatings to her and as per the call details record, the deceased had made her first call to the complainant at 10.26 am in the morning informing therein that the accused including the petitioner have given beating to her. Thereafter another call was made by the deceased to the complainant at 10.31 am informing that the accused had administered poison to her. Thus, the petitioner has specifically been named as an accused in the case.

I have heard counsel for the parties.

The petitioner, who is the mother-in-law of the deceased, is in custody since 23.04.2019. The allegation of demand of Rs.1,50,000/- is against the husband-Ajay Kumar. As per FIR, the deceased had made a telephone call to her brother and as per the complainant in the initial version she(deceased) has stated that the petitioner alongwith other co-accused i.e. Ajay Kumar, Devinder and Reena are giving beatings to her and thereafter another call was received by the complainant that the accused have administered poison to her. However, during investigation, co-accused i.e. Devinder and Reena have been found innocent, though the application

under Section 319 Cr.P.C. has been filed by the prosecution. In this manner the trial is likely to take long time. The allegations against the petitioner and other co-accused, who were found innocent by police, are similar.

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.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

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.

November 16, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No