

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

CRM-M-49063 of 2019.

Decided on:- November 29, 2019.

Jayanti Devi.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Ravinder Kaushik, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner, who is aged about 55 years and is mother-in-law of the deceased has filed present petition under Section 439 Cr.P.C. for grant of regular bail to her in FIR No.123 dated 27.03.2019 under Section 304-B read with Section 34 IPC (Section 302 IPC added later on) registered at Police Station Gannaur, District Sonapat.

Learned counsel for the petitioner has submitted that the marriage between Vikas (son of the petitioner) and Nikita (since deceased) was solemnised on 20.07.2018. Whereas it was the first marriage of Vikas, the deceased got married second time, as her earlier marriage could not pull well and divorce was taken by her.

He has referred to the FIR, wherein the complainant, who is father of the deceased, has alleged that on 27.03.2019, he along with his nephew Parkash had gone to enquire about the well-being of Nikita (since deceased) in her matrimonial home at Gandhi Nagar, Gannaur. At about

10.00 A.M., when they reached there, they saw that there was a long scarf (Chunni) around the neck of Nikita and Vikas, Deepak and Ashish were holding it. Jai Narain, Satya Narain and Jayanti (petitioner herein) were holding with their hands. However, when the complainant and his nephew had called, then all the accused ran towards them with sticks from their house. The complainant and his nephew saved themselves by running towards their home in village Farmana in order to inform the other family members.

He has argued that the story so projected by the complainant is unbelievable. The distance between the house of the complainant and the place where Nikita had died is about 35 KMs. It is humanly impractical to accept that in case the complainant along with his nephew had seen his daughter fighting with the accused, they would prefer to return to their village instead of saving her from the clutches of the accused or to inform the police for help. The petitioner is in custody since 09.04.2019 and the trial is not likely to be concluded in near future.

Learned State counsel, on instructions from SI Om Parkash, has argued that the marriage of Nikita was solemnised with Vikas on 20.07.2018 and she died on 27.03.2019 i.e. within a short span of around 9 months. Moreover, at the time of her death, she was 6 months pregnant and no lady at such an advance stage of pregnancy would commit suicide. Thus, the petitioner is instrumental in killing the deceased and that is the reason, the offence under Section 302 IPC has also been added in the case.

I have heard learned counsel for the parties.

The petitioner is about 55 years of age and is mother-in-law of the deceased. She is in custody since 09.04.2019. No doubt, the marriage of

Nikita was solemnised with Vikas on 20.07.2018 and she died on 27.03.2019 i.e. within a short span of around 9 months, but noticing the rival contentions of learned counsel for the parties and the averments made in the FIR, this Court finds weight in the submissions made by learned counsel for the petitioner for the purpose of bail. The complainant along with his nephew though had seen his daughter fighting with the accused, but they did not rescue her. It would be a natural reaction that instead of going back to their village to inform the other family members about the incident, which is situated at a distance of about 35 KMs from the place of incident, they should have saved her there and then or at least, would have straightway informed the matter to the police, but the complainant has not acted in this natural manner. Therefore, this Court finds that when the culpability of the petitioner is yet to be established during the trial, she deserves to be admitted on bail.

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. The trial Court shall decide the case without being influenced with the observations made hereinabove in any manner.

November 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No