

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49451-2019 (O&M)

Date of Decision:- 26.11.2019

Babli

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajnikant Upadhyay, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Babli, seeks grant of regular bail in a case registered vide FIR No.138, dated 24.5.2019, registered at Police Station Sadar Gogana, District Sonipat, under Sections 304-B, 323, 34 IPC.
2. The FIR was lodged at the instance of Taal Singh, father of the deceased wherein it has been alleged that his daughter namely Rani was married about 6 years back and although they had given a large number of articles in dowry but her in-laws were not happy with the

same and she used to be harassed in order to press upon their demands of more dowry. The complainant's daughter being fed up with her harassment is alleged to have committed suicide by hanging herself.

3. While the cause of death has been opined to be ante-mortem hanging, but PMR also reveals that dead-body was sustaining as many as 22 injuries.
4. Learned counsel for the petitioner has submitted that the petitioner, although named in the FIR has nothing to do with the alleged suicide of the deceased as she was not going to be benefitted by the alleged demands of dowry, being sister-in-law (*devrani*) of the deceased. It has further been submitted that in any case when the occurrence took place, the petitioner was carrying pregnancy of 8 months and at that stage she could not have possibly caused the injuries which are now alleged to have been sustained by the deceased as the petitioner herself would have run the risk of sustaining some injury which could have proved fatal for her pregnancy at that advanced stage. It has further been submitted that in any case the petitioner being a lady having 3 toddlers in her lap aged 3 months, 1 ½ years and 2 ½ years, who are all in jail along with the petitioner, deserves the concession of bail on compassionate grounds as well.
5. Opposing the petition, learned State counsel has submitted that since it is a case where the petitioner was residing in the same house where the deceased was residing and there are specific allegations against the petitioner as well, no case for grant of bail is made out. It has

however, been informed that investigation stands concluded and challan has been presented.

6. Having regard to the facts and circumstances of the case and while refraining from making any expression as regards merit of the case, this Court is of the opinion that the petitioner being a lady and having 3 minor children, who are all below 3 years and lodged in jail alongwith the petitioner deserves the concession of bail on compassionate grounds particularly in the interest of minor children. The petition, as such, is accepted and petitioner-Babli is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

November 26, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No