

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17554-2020

DATE OF DECISION: OCTOBER 28, 2020

OMWATI @ OMLATA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. B.K. BAGRI, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0321 dated 18.10.2019 under Section 302/304-B/34 and Section 498-A IPC, Police Station Nangal Chaudhri, District Mahendergarh. The petitioner is in custody since her arrest on 11.2.2020.

The FIR in the present case was registered on the basis of a complaint made by Kailash Chand to the effect that she had two daughters, namely, Ganesh and Tinu and both of them were married to Sarjeet and Ajay Singh, sons of Sh. Attar Singh on 21.11.2016. After ten days, Sarjeet, his mother Omwati, Sandeep and Ajay, brothers of Sarjeet started giving beatings to her daughter and demanded dowry. Many a times, the in-laws of Ganesh were made to understand. When Pardeep, brother of Ganesh went to meet her at her in-laws house, he was also maltreated by them and Ganesh disclosed Pardeep that her husband, Sarjeet, mother-in-law Omwati, Dewar Ajay and Jeth Sandeep used to harass her and gave beatings to her. Ganesh

was again given beatings at her matrimonial house and some intoxicant poisonous substance had been administered to her leading to her death.

Learned counsel for the petitioner contends that the two daughters of the complainant, namely, Ganesh and Tinu were married with two brothers (sons of the petitioner) on 21.11.2016 and victim Ganesh ended her life by consuming poison on 18.10.2019. It is argued by him that the allegations in the FIR are general in nature, wherein no particulars of harassment, or any previous complaint to the police for demand of dowry have been mentioned. According to him, the investigation of the case is complete as the final report has been filed, however, the trial is yet to commence. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Rajender Kumar has opposed the aforesaid prayer on the ground that the complainant has specifically named the petitioner who is the mother-in-law of the victim. According to him, the petitioner alongwith others harassed the victim and demanded dowry which compelled her to end her life. He submits that though the charges have been framed, but the witnesses are yet to be examined.

Considering the above background and the fact that the petitioner is a lady, her further custody may not be necessary as the trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner is presently confined in judicial

custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 28, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No