

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19544 of 2020 (O&M)
Date of decision : November 26, 2020

Darshana

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ashwani Gaur, Advocate, for the petitioner
Mr. Gaurav Jindal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Darshana mother-in-law of deceased Rakhi has come up in this second regular bail application under Section 439 Cr.P.C. in case FIR No. 390 dated 15.8.2018 under Sections 304-B, 34 IPC, Police Station Kharkhoda, District Sonapat.

The brief allegations that needs to be highlighted have been levelled by complainant brother of deceased namely, Mohit

alleging that marriage between deceased and Sandeep son of the petitioner was solemnized in the year 2013. The couple was bestowed with a male child and that there were general accusations of harassment and cruelty to the deceased by the in-laws including husband which were brought to the notice of her parents by the deceased. It is subsequently, on 15.8.2018 the deceased consumed some poisonous substance leading to her death.

Learned counsel for the petitioner contends that the petitioner is behind the bars since 25.8.2018 and there are only general accusations of physical and mental torture. It is contended further that the petitioner is an aged lady and there is no one in the family to look after the minor child born to the deceased.

Learned State counsel has with much force and vehemence opposed the bail alleging that the trial is under way and if allowed bail, there is every likelihood that the petitioner may interfere in the trial.

Going through the submissions, a perusal of the FIR shows that there are only general accusations against the petitioner mother-in-law. No specific role has been attributed to her. The petitioner is behind the bars since 25.8.2018 and as is duly conceded by the learned State counsel all the prosecution witnesses

have not yet been examined. In view of the prevalent COVID-19 pandemic situation, the trial is likely to be further delayed, no useful purpose will be served by further retaining the petitioner in jail. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

November 26, 2020

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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No