

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21160 of 2020 (O&M)
Date of Decision: 12.11.2020

SEEMA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravish Bansal, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

CRM No.20294 of 2020

This is an application for bringing on record the report dated 02.04.2019 given by the Medical Board.

In view of the grounds taken in the application, the same is allowed. Report dated 02.04.2019 given by the Medical Board is taken on record, subject to all just exceptions.

CRM-M No.21160 of 2020 (O&M)

Petitioner seeks grant of regular bail under Section 439

Cr.P.C in case bearing FIR No.102 dated 23.04.2018, registered under Sections 304-B, 34 IPC at P.S. Sadar Yamunanagar, District Yamunanagar. (Sections 302, 201, 120-B IPC added later on).

Petitioner is mother-in-law of the deceased. Son of the petitioner namely Ankit was married with daughter of the complainant. Complainant has alleged that his daughter was murdered on account of demand of dowry made by Ankit, his mother Seema/Shimla, uncle Dev Kumar, aunt Urmila and Johny etc. Daughter of the complainant namely Prerna came to the house of complainant on 19.04.2018 along with Ankit and told to the complainant in the presence of Subhash and Dharam Chand that Ankit and his family members were harassing her on account of bringing less dowry. On 23.04.2018 at about 10.30 A.M., Dev Kumar informed the complainant to come to Civil Hospital, Yamunanagar as condition of Prerna was not good. On reaching the Hospital, the complainant found her daughter dead and her dead body was lying in the mortuary.

Learned counsel for the petitioner submitted that the deceased was a transgender and this fact was concealed by the complainant party. The description of the deceased was proved by the medical report submitted by the Board of Doctors on 02.04.2019, wherein on the basis of histopathology and FSL

reports, the deceased was found to be a True Hermaphrodite as she had both male and female external genital/reproductive organs.

Learned counsel further submitted that medical opinion in respect of cause of death was given after more than one year of the occurrence, wherein cause of death is shown to be Asphyxia due to strangulation. Son of the petitioner is in custody. Even, if prosecution story is believed at this stage (facts denied altogether), petitioner is an accused of allegations under Section 201/120-B IPC. Petitioner is in custody since 05.06.2019. Complainant has been examined and on the basis of that statement an application under under Section 319 Cr.P.C. is pending consideration before the trial Court. Now the said application is fixed for 22.01.2021. The trial of the case may take some time in its culmination.

Learned State counsel on instructions from SI Sulender Singh submitted that out of 18 prosecution witnesses, 3 witnesses including the complainant have been examined. The marriage was solemnized between Ankit and Prerna on 01.11.2017. The factum of deceased being a transgender is proved on record.

At this stage, without meaning anything on the merits of the case, keeping in view the factum of petitioner being an old

lady of 50 years and on account of the situation arising out due to COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 12, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No