

211.

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

CRM-M-21702-2020 (O&M)

Date of decision: 23.09.2020

NIRMALA DEVI

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Randhawa, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Kunal Muthreja, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-20139-2020

Prayer in this application filed under Section 482 Cr.P.C. is to place on record copy of order dated 20.05.2020 and 23.05.2020 as Annexures P-5 and P-6 respectively.

For the reasons stated in the application, same is allowed and the documents Annexures P-5 and P-6 are taken on record.

CRM-M-21702-2020

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.433 dated

13.12.2019 registered under Sections 304-B, 498-A, 34 of IPC at Police Station Old Faridabad, District Faridabad.

Counsel for the petitioner has argued that there is no specific allegation against the petitioner regarding demand of dowry or harassment. Moreover during the time when the deceased committed suicide while jumping in the canal, she was staying with Sonu who has already been admitted on bail by the learned Additional Sessions Judge vide order dated 29.04.2020. At the most, the allegations against the petitioner and the co-accused Sonu are similar except that the petitioner is mother-in-law and Sonu is sister-in-law of the deceased. He submits that the petitioner is an old lady, about 62 years of age and no witness has been examined in the case and in this manner, trial will take sufficient long time. He further submits that as per the FIR, on the relevant date when the deceased had committed suicide at about 7.25 PM, the complainant had seen her while jumping into the Gurgaon Canal near Kheri Pul, Faridabad, but no efforts were made by the complainant to save her. Therefore, the allegations in the FIR cannot be believed.

Counsel for the complainant has argued that the marriage of the deceased was solemnized with Vikas @ Vicky on 09.03.2019, whereas the deceased has committed suicide on 12.12.2019 i.e. after 9 months of marriage. No lady would commit suicide unless she is subjected to serious harassment. He states that Sonu was granted bail on different considerations as she has lost her husband and she has two children who were fully dependent upon her.

Learned State counsel submits that challan in the case has been presented and charges are yet to be framed. She further submits that since the deceased has committed suicide after about 9 months of her marriage and the petitioner, being mother-in-law, is not entitled for bail.

I have heard learned counsel for the parties.

Petitioner is in custody since 14.12.2019. The allegations against the petitioner and Sonu are more or less similar. Challan in the case has been presented and charges are yet to be framed. In this manner, trial will take sufficient long time. Moreover, there is no specific allegation against the petitioner for demand of dowry or Creta car. It is only during trial, the allegations would be established. No doubt, the petitioner is mother-in-law, but she is about 62 years of age, and trial is not likely to be concluded in the near future in view of Covid-19 epidemic, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

23.09.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No