

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

CRM-M-4338-2021

Date of decision : 13.12.2021

Krishna

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Piyush Aggarwal, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.188 dated 09.07.2020, under Sections 304-B/34 Indian Penal Code, registered at Police Station Salhawas, District Jhajjar.

As per the factual matrix of the present case, the present FIR was lodged by Satyawar son of Om Parkash. It was alleged that he performed the marriage of his daughter Priyanka with Sandeep 2½ years ago. Thereafter, her mother-in-law started harassing her on account of bringing less dowry. His daughter kept on complaining to the complainant about the harassment and cruelty caused to her at the behest of her in-laws. However, despite his efforts, nothing improved and on 9th July, 2020, he received a call that his daughter is not well. On hearing the same, he went to the village Rudiyawas to meet her daughter and found his daughter hanging.

The FIR was lodged to take an action against the culprits.

The petitioner is mother-in-law of the deceased and was arrested on 16th July, 2020. She approached the learned Additional Sessions Judge, Jhajjar for seeking regular bail. However, the same was declined vide his order dated 6th January, 2021. Aggrieved by the same, the petitioner approached before this Court by filing the present petition.

It has been contended by learned counsel for the petitioner that the allegations in the FIR are totally false and frivolous and no offence as alleged is made out against the petitioner from the bare reading of the FIR. He submits that the allegations were made in the FIR against four accused. However, during investigation, two of the accused i.e. brother-in-law and sister-in-law were exonerated and the challan was presented against the petitioner and her son. He submits that the material witnesses have already been examined and there cannot be any apprehension whatsoever on the part of the petitioner for tampering with the prosecution evidence. He also submits that the dispute was between husband and the wife whereas, the petitioner was living separately and there was no question of any interference by her in the matrimonial life of the deceased. He submits that in the overall facts and circumstances, the petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel submits that the deceased Priyanka died within 2½ years of the marriage and the presumption under Section 113-B of Evidence Act is attracted in this case. However, he submits that out of total 18 prosecution witnesses, 04 have already been examined including the complainant.

I have heard learned counsel for the parties and perused the records.

Petitioner is an old lady and is behind the bars since 16th July, 2020. The material witnesses already stands examined and the trial would take some time.

In the overall facts and circumstances of the case, it is apparent that the trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Keeping in view the abovesaid facts, this Court finds that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.12.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No