

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

CRM-M-8098-2021

Date of Decision: 25.02.2021

Binder @ Balwinder Kaur

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravinder Bangar, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.
Mr. Diwan S. Adlakha, Advocate for the complainant.

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.173 dated 02.10.2020, under Sections 302 , 34 IPC (later on converted under Section 306, 34 of IPC) registered at Police Station Radaur, District Yamuna Nagar. The petitioner is in custody since her arrest on 27.10.2020.

The FIR was registered on the basis of complaint lodged by father of deceased and the allegations as noticed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri in the order dated 22.01.2021 are as under:

“On 21.02.020 the complainant Balwinder Singh son of Mehma Singh, made a complaint. It is averred that his daughter Mandeep Kaur was married with Harbhajan Singh in the year 1999 and he used to torture her. His daughter was having a son namely Navjot Singh who is living abroad. On 21.02.020 at about 10 AM he received an information that his daughter Mandeep Kaur died due to heart attack. When they reached there at the time of cremation, it was found that there were signs of

rope on the neck of his daughter and also bodily injuries on her body. On the basis of suspicion he objected the cremation and he has suspicion that his daughter was murdered by the accused persons. It was averred that 15 days back also when he attended the call of his daughter it seems that she was under fear. On this complaint, present FIR was lodged under Section 302, 34 of IPC. During investigation post mortem on the dead body of deceased was conducted. After receiving the report Section 302 of converted into Section 306 of IPC. After completion of final report under Section 173 Cr.P.C was submitted in Court.”

Learned counsel for the petitioner submits that Mandeep Kaur (victim) got married to the petitioner's son in the year 1999 and during her lifetime she never complained against anyone regarding any maltreatment. He further submits that initially the FIR was registered for the offence punishable under Section 302 IPC, but later on after completion of investigation, the final report was filed for offence punishable under Section 306 IPC. He further submits that Jeet Singh, husband of the petitioner, who is similarly situated has already been released on regular bail vide order dated 11.02.2021 passed by this Court in CRM-M-5390-2021 (Annexure P-6), therefore, the petitioner also deserves the concession of regular bail.

Learned counsel for the complainant has opposed the bail on the ground that the unnatural death of the victim was concealed by the accused persons, and at the time of cremation it was noticed that there are various injury marks around her neck, therefore, the petition be dismissed.

Learned State counsel assisted by ASI Dilbagh Singh does not dispute the fact that the investigation is complete and co-accused of the petitioner is on regular bail.

After hearing the learned counsel for the parties and considering the above background, custody of the petitioner who is 71 year old lady, this Court finds that the petitioner after her arrest on 27.10.2020 is confined in judicial custody and her further detention may not serve any useful purpose. Admittedly, the trial is yet to commence as the case is now fixed for framing of charges on 05.03.2021. The prosecution witnesses are either the close relatives of the victim or the police officials and there does not seem to be any possibility of their being won over. It is evident that the trial is likely to consume considerable time to conclude, so the petitioner has made out a case for grant of regular bail.

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

The petition is allowed.

February 25, 2021
kv

(MANOJ BAJAJ)
JUDGE

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