

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8623-2021

DATE OF DECISION: MARCH 2, 2021

RASNA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SIMRANJEET SINGH, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.
MR. GAUTAM DUTT, 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.129 dated 22.9.2020, under Section 302 IPC (reduced to Section 306, 201 IPC), Police Station Rewar Sadar, District Rewari. The petitioner is in custody since her arrest on 5.11.2020.

The allegations contained in the FIR as noticed by the Sessions Judge, Rewari in his order dated 23.12.2020, are as under:-

“Brief facts of the prosecution case are that on 22.9.2020, complainant Sher Singh moved a written complaint before the police in which he alleged that his elder son namely, Deepak was serving in Army for the last eight years. He was married with Rachna on 25.11.2013. His younger son namely Ravi is still unmarried. The complainant further alleged that after the marriage, the applicant along with her mother and father started to harass his family and his son Deepak with a threat to implicate them in a false case of dowry

demand. Whenever his son Deepak had come to home on leave, the applicant used to quarrel with him. On 17.9.2020 at about 6-00 p.m., the complainant had gone to temple and at about 7-00 a.m. when he returned to his home, he found that several persons were present there. His younger son Ravi told him that Deepak has died. Thereafter, he along with his son Ravi and other persons went to room where his son Deepak and his daughter-in-law were sleeping and found that Deepak was laying on a bed. He was having ligature mark on his neck. His daughter-in-law did not disclose about the reasons of death of his son. He suspected that his son has been murdered by his daughter-in-law i.e. the applicant by strangulation.”

Learned counsel for the petitioner has argued that originally on the basis of the allegations made by the complainant, the FIR was registered for the offence punishable under Section 302 IPC, but after completion of the investigation, the final report has been filed for the offence under Section 306, 201 IPC. He submits that the alleged occurrence took place on 17.9.2020, whereas the FIR was lodged after a long delay and petitioner being wife of the victim has been falsely implicated as her husband voluntarily ended his life. According to him, the trial is likely to take some time, therefore, the petitioner be released on bail.

Learned counsel for the State as well as learned counsel for the complainant have opposed the prayer on the ground that the petitioner is specifically named in the FIR. Mr. Gautam Dutt, learned counsel for the complainant has argued that the dead body of the victim was found on the bed, where the petitioner slept with her husband (victim). According to him,

the complainant is still maintaining his stand that the death of the victim was homicidal.

Learned counsel for the State on instructions from Inspector Bharat Bhushan has stated that the investigation of the case is complete and the charges are yet to be framed. He states that as per the final report, the room where the victim died was bolted from inside.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer as the investigation of the case is complete and the trial is likely to take considerable time to conclude. The petitioner is presently confined in judicial custody after her arrest on 5.11.2020, therefore, further custody of the petitioner may not be justified for any useful purpose. The prosecution witnesses are either the close relatives of the victim or police officials and there does not seem to be any possibility of their being won over.

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

The petition is allowed.

March 2, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No