

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

204

CRM-M-20311-2021 (O&M)

Date of decision: 07.06.2021

KAMLA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Ms. Puja Chopra, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana.
Mr. Jagmohan Ghuman, Advocate for the complainant.

ANIL KSHETARPAL, J. (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for bail pending trial in a criminal case arising from FIR No.34, dated 09.02.2021, registered under Sections 304-B and 34 IPC, at Police Station Farukhh Nagar, Gurugram District Gurugram.

The petitioner is maternal grandmother of the husband of the deceased. As per case of the prosecution, Atul, grandchild of the petitioner got married with Reena (the deceased) in June, 2019 which was a love marriage. It is alleged that the in-laws of Reena harassed and gave beatings to her and thus, forced her to end herself.

Learned counsel representing the petitioner contends that before the alleged suicide, the petitioner had to file a civil suit as the deceased and her husband started keeping evil eye on her property. She further contends that Reena filed a complaint under the Protection of Women from Domestic

Violence Act, 2005. She further points out that on completion of the investigation, the police report under Section 173 Cr.P.C. has already been filed.

Mr. Ankur Mittal, Addl. AG, Haryana, while contesting the petition submits that under Section 304-B IPC, there is a statutory presumption and it is for the accused to prove that she is not guilty. He further contends that the deceased and her husband were residing with the petitioner at the relevant time.

Mr. Jagmohan Ghuuman, Advocate, has entered appearance for the first informant and contested the petition.

In this case, the conclusion of the trial is likely to take time. The police has already completed the investigation and presented challan in the Court. The petitioner is in custody for more than 3 months. The attention of this Bench has not been drawn to any forensic evidence against the petitioner.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petition is allowed. The petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

07.06.2021

ashok

Whether speaking/reasoned:
Whether reportable:

(ANIL KSHETARPAL)

JUDGE

Yes / No
Yes / No