

**108+228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-21520-2021 (O&M)

Date of Decision: 6.9.2021

Sunita

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ganesh Chand Sharma, Advocate, for the petitioner.

Mr. Sukhbeer Singh, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-28273-2021

Allowed as prayed for.

CRM-M-21520-2021

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.692 dated 30.11.2020 under Sections 304-B, 498-A IPC registered at Police Station Mujesar, Faridabad.

The FIR in question has been registered by Naresh, who is the brother of the deceased Salu. It has been alleged that his sister Salu was married 6 years back with Krishna son of Rajbeer alias Pappu. Soon after the marriage, Salu was harassed and pressurized for bringing dowry and having been fed up, she committed suicide by hanging on 29.11.2020. On the basis of this allegation, the present FIR was lodged. Initially there were five accused named in the FIR, however, on conclusion of investigation, challan was presented only against the husband of the deceased and the

present petitioner, Sunita, who is the mother-in-law.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR and as no such harassment and cruelty has been caused by the petitioner. He further submits that the false implication of the petitioner is writ large from the very fact that the complainant and two cousins of the deceased were produced as the prosecution witnesses and on their examination all these three prosecution witnesses, namely, Naresh, Mahesh and Navneet failed to support the case of the prosecution and were declared hostile. He submits that as the necessary ingredients for the proof of offence Section 304-B IPC that the unnatural death took place on account the demand of dowry is not proved as the material witnesses have not supported the case of the prosecution. Learned counsel for the petitioner submits that the husband of the deceased, who is the second accused, has already been granted bail by the learned Additional Sessions Judge, Faridabad on 16.8.2021. Hence, further incarceration of the petitioner is unwarranted.

Learned State counsel submits that the petitioner is involved in the heinous offence and no ground is made out for grant of bail. He further points out that after the dismissal of the bail application by learned Additional Sessions Judge on 12.5.2021, again application for grant of bail was filed and the same was dismissed as withdrawn vide order dated 11.6.2021. He further submits that the petitioner has not disclosed this fact before this Court. He submits that the petitioner is behind bars since 14.1.2021.

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

Though, learned counsel for the petitioner has not disclosed the fact of filing of second application for bail, which was withdrawn, but the Court cannot ignore the fact that the material witnesses have failed to support the case of the prosecution and the husband of the deceased has already been granted bail. However, the petitioner should be careful enough before filing the petition in the Court.

In the over all facts and circumstances of the case, I find that learned counsel for the petitioner has made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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.

(RAJESH BHARDWAJ)
JUDGE

6.9.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No