

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22851-2021
Decided on : 05.10.2021

Kalawati @ Kalan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Kripal Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Sanjeev Kumar, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.32 dated 19.01.2021 registered under Sections 302, 304-B, 498-A and 34 IPC,1860 at Police Station Bhiwani Sadar District Bhiwani.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been implicated in the case in hand only because she happened to be the mother-in-law of the deceased. Learned counsel while inviting the attention of this Court to the contents of FIR (Annexure P-1) submits that a perusal of the same clearly reveals that no allegations had been levelled against the petitioner of subjecting the deceased to any harassment subsequent to a compromise, which was arrived at between the son of the petitioner and the deceased just 8 months prior to the alleged occurrence. He further submits that all the allegations of mental and physical harassment had been levelled by the complainant only against the son of the petitioner with whom the petitioner had strained relations due to

his wayward behaviour. A prayer has thus, been made for extending the concession of bail to the petitioner, who is a lady of 65 years and has been in custody since 05.04.2021.

Per contra, learned State counsel assisted by learned counsel for the complainant while opposing the prayer of learned counsel for the petitioner on instructions from SI Virender Singh has submitted that in the FIR in question the complainant had levelled allegations against the petitioner of subjecting the deceased to mental and physical harassment. However, she very fairly conceded that subsequent to the compromise allegedly arrived at between the deceased and her husband i.e. co-accused Mukesh, no allegations had been levelled against the petitioner of subjecting the deceased to any harassment. She further apprised the Court that the prosecution evidence is underway.

Heard learned counsel and perused the material available on record.

The petitioner, who is a lady aged 65 years, has been behind bars since 05.04.2021. Since the prosecution evidence has just commenced, there is no likelihood of the trial concluding in the near future. Further detention of the petitioner would thus not serve any purpose. Hence, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.10.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No