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

CRM-M-33763-2020
Date of decision: 23.09.2021

Sarita

.....Petitioner.

vs.

State of Haryana

.....Respondent.

CORAM: - HON'BLE MR JUSTICE RAJESH BHARDWAJ

Present: - Mr. Sandeep Kumar Tada, Advocate, for the petitioner.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

Mr. D.S. Virk, Advocate, for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No. 169 dated 22.06.2020 under Sections 304-B, 34 of the IPC, registered at Police Station Civil Line Sirsa, District Sirsa.

It has been contended by learned counsel for the petitioner that the petitioner before this Court is the mother-in-law of the deceased Mehima. He would submit that the FIR in question was lodged by Kailash Sharma, who is the father of the deceased. He alleged that his daughter Mehima was married with Sahil son of Ashok Kumar on 17.04.2017. Later on, she was blessed with a son who is 02 years old. He alleged that after the marriage, his daughter-Mehima was being harassed by the petitioner (mother-in-law), brother of Sarita, Raman Sharma and the wife of Raman Sharma, namely Deepika Sharma and father-in-law Ashok

Sharma. He alleged that on account of demand of dowry all the accused were harassing his daughter. Thereafter, having been fed up with the harassment, she committed suicide on 22.06.2020. The FIR was lodged and the investigation commenced.

On the conclusion of the investigation, challan was presented against two of the accused i.e., the petitioner (mother-in-law) and her husband-Ashok Kumar (father-in-law). He would submit that husband was not even named in the FIR.

Learned counsel for the petitioner has submitted that during the investigation the blood samples of the petitioner and her husband were taken and the same were sent to the FSL for DNA test. He would submit that now the DNA report is received and same is negative. He has further submitted that the petitioner is behind bars since 14.07.2020 and the case is at the stage of evidence. There cannot be any apprehension of tampering with the evidence by the petitioner who is the mother-in-law of the deceased, he asserts. He contends that in the facts and circumstances, the petitioner deserves to be enlarged on bail

Learned counsel for the complaint has vehemently opposed the contention raised by learned counsel for the petitioner and would submit that alternative charge under Section 302 IPC is also framed against the petitioner in this case. The deceased died 3 years after marriage in her in-laws home and both the accused i.e. the petitioner and her husband are the main accused in the case, he asserts.

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

In view of the fact that the DNA report is also received and the petitioner is behind bars since 14.07.2020. The trial would take some time for its final conclusion. Without commenting upon the merits of the case and keeping in view the overall facts and circumstances of the case and the custody period undergone by the petitioner, the Court is of the opinion that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds 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

23.09.2021

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no