

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(231)

CRM-M-46137-2021

Date of Decision: 14.12.2021

Hardeva Bai @ Hardev Kaur

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. B.S. Bajwa, Advocate for the petitioner.

Mr. Vishal Kashyap, D.A.G., Haryana.

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.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.136 dated 27.7.2020 under sections 304-B, 34 I.P.C, registered at Police Station, Kunjpura, District Karnal.

As per factual matrix, the present FIR was lodged by Hansraj son of Raja Ram, wherein it was alleged that they are 7 brothers and sisters. On 4.2.2014 marriage of her younger sister Usha Rani was solemnized with Ashok Kumar son of Kashmiri Lal. After the marriage his sister was being harassed on account of demand of dowry. In the year 2015 her husband demanded a motorcycle and on account of the same they gave Rs.48,000/- in cash to him. The cruelty and harassment kept on unabated. On 27.7.2020 Bimla Rani daughter of his aunt, who is married at Salarpur made a telephonic call and informed that Usha Rani had been killed by her husband

and in-laws. On receiving the information complainant and his family members reached the matrimonial home of their sister and her body was found lying in the courtyard. There were hanging marks on her neck. A request was made to take action against the culprits.

Petitioner, who is mother-in-law of the deceased was arrested on 2.8.2020. She approached learned Addl. Sessions Judge, Karnal for grant of bail, however, the same was declined vide order dated 28.5.2021. Aggrieved by the same petitioner has approached this Court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present FIR and no offence, as alleged, is made out against her. Counsel submits that as per the allegations in the FIR there are 6 accused in all, however, on conclusion of the investigation 4 were exonerated and the challan was presented against 2 of the accused i.e. against the petitioner and her son Ashok Kumar, who is the husband. Counsel further submits that the unfortunate occurrence took place after 6 ½ years of the marriage and there are no specific allegations against the petitioner. It is submitted that petitioner is languishing in jail since 2.8.2020. The investigation is already complete and charges have been framed.

On the other hand, learned State counsel submits that there are specific allegations against the petitioner. The death of Usha Rani took place within 7 years of the marriage and hence the presumption under Section 113-B of Evidence Act is attracted. It is submitted that there are 15 prosecution witnesses in all and evidence is yet to commence. Hence, there is no ground for grant of bail to the petitioner.

I have heard learned counsel for the parties at length and have gone through the records made available.

It is apparent that the petitioner is mother-in-law and is behind bars since 2.8.2020. The death took place after 6 ½ years of marriage. The investigation is complete and the Trial Court is seized of the matter. This Court does not find any apprehension of scuttling or tampering with the evidence. The trial is to take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. I find that learned counsel for the petitioner has succeeded in making out a case for grant of bail to the petitioner.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.12.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No