

245 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45025-2021
Decided on : 08.11.2021

Asha Mahajan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.105 dated 02.07.2020 registered under Sections 304-B and 34 IPC,1860 at Police Station Division No.1, Pathankot (Punjab).

Learned counsel for the petitioner *inter alia* contends that subsequent to withdrawal of previous petition filed under Section 439 Cr.PC on 19.02.2021 (Annexure P-3), not only charges have been framed but even the sole material witness i.e. complainant stands examined. While inviting the attention of this Court to the allegations levelled in the FIR in question, he submits that a perusal of the same leaves no manner of doubt that the complainant i.e. father of the deceased has levelled vague and general allegations not only against his son-in-law (son of the petitioner) but also against the petitioner and her married daughter qua alleged mental

harassment meted out to the deceased on account of their dissatisfaction with the dowry received. He further submits that in fact there were temperamental differences between the son of the petitioner and his wife i.e. the deceased due to which she went into depression and committed suicide. It has also been submitted that the petitioner, who is a widow, aged 65 years, has been implicated in the case in hand only because she happens to be the mother-in-law of the deceased. Learned counsel submits that similarly situated co-accused Rekha (married daughter of the petitioner) has been enlarged on bail by this Court vide order dated 17.09.2021 (Annexure P-4). Still further, he submits that since the sole material witness already stands examined before the Court below, her further incarceration would not serve any purpose as she would not be able to tamper with evidence or influence the witness to depose in her favour. A prayer therefore has been made that the petitioner be extended the concession of bail as she has been in custody since 02.07.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Sunil Kumar has apprised the Court that the complainant while stepping into the witness box as PW-1 has supported the case of the prosecution qua the alleged harassment meted out to his deceased daughter.

Heard.

In the facts and circumstances of the case as well as submissions made by learned counsel coupled with the fact that the petitioner has been in custody since 02.07.2020, the present petition is

allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

(MANJARI NEHRU KAUL)
JUDGE

08.11.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No