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

**CRM-M No.42731 of 2020(O&M)
Date of Decision: 21.01.2021**

Guddi Devi

.....Petitioner

**Vs
State of Haryana**

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Veena Hooda, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.197 dated 30.07.2020 registered under Sections 304-B, 34, 408-A IPC at Police Station Sadar Dadri, District Charkhi Dadri.

Petitioner is mother-in-law of the deceased Shallu. As per allegations in the FIR, the complainant brother of the

deceased alleged that the deceased was married to Sumesh son of the petitioner and dowry was given according to their capacity. In-laws of the deceased started harassing his sister just after two months of the marriage. After 3-4 months of the marriage, the sister of the complainant came to the house and narrated entire story to the complainant family. A meeting was convened with in-laws and they apologized for the same with an assurance not to harass Shallu in future. Shallu was also convinced by the complainant party and she was sent to matrimonial house. Sister-in-law of Shallu is serving in police department and she used to threat the sister of the complainant for bringing dowry. 3-4 days prior to the occurrence, Shallu informed the complainant in respect of harassment meted to her. Shallu could not tolerate the harassment and commit the suicide.

Learned counsel for the petitioner submitted that the marriage of her son with Shallu was on account of 'Atta Satta'. No demand was raised by the petitioner and her family members. No dowry was given to the family because of nature of the marriage. The marriage was solemnized in response to the two marriages of the girls from the family/relation(s) of the petitioner. Learned counsel for the petitioner narrated the factual position of those marriages by contending that marriage

of Sumesh was solemnized with Shallu daughter of Harpal. The marriage of Sumesh was solemnized after the consent of three families. Daughter of the petitioner was got married to Sonu resident of Nangloi. Sister of Sonu resident of Nangloi was married to Rohit and sister of Rohit namely Shallu was married to son of the petitioner. All these three marriages took place just in the spell of 3-4 days. No dowry was supposed to be given by either of the parties. Shallu (daughter-in-law of the petitioner) was not happy with the marriage and she did not participate in the daily activities of the household. Sumesh was employed in a private job at Gurugram and used to come once in a week. Learned counsel further submitted that as per disclosure statement of the petitioner also, no case is made out to presume any demand of dowry, except to allege that in view of conduct of Shallu, petitioner and her family planned to get rid of her and therefore, they used to scold her and demanded a motorcycle so that the petitioner family can get rid of her. The aforesaid demand was only intended to get rid of her as by doing so, she may go and marry someone else. Petitioner and her family were not having any idea that she may commit such suicide after feeling the same to be bad. Whatever was given to Shallu by her parents has already been recovered. Learned counsel further submitted that Shallu was depressed owing to her involvement in a criminal case bearing FIR No.47 dated

12.02.2019 registered under Sections 323, 506 read with Section 34 IPC at Police Station Bawani Khera, District Bhiwani, in which she along with Pinki wife of Satish, Poonam wife of Sandeep was arrayed as accused by Anita wife of Wazir Singh. No specific attribution or demand has been alleged and proved on record. Challan has been presented. Petitioner is in custody since 12.10.2020.

Per contra, learned State counsel opposed the bail on the ground that the petitioner is mother-in-law of the deceased and is instrumental in managing day to day affairs of the family and cannot be absolved of the allegations at this stage as the presumption is against the accused party.

Heard learned counsel for the parties. Keeping in view the nature of allegations and prima facie stand taken by the petitioner, particularly when the petitioner is a woman aged more than 51 years, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 21, 2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No