

CRM-M-3154-2022

Date of Decision: 20.04.2022

MITLESH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 42 dated 03.04.2021 under Sections 304-B, 34 IPC (Section 498-A IPC added later on), registered at Police Station Jhansa, District Kurukshetra.

Briefly, the FIR has been registered on the basis of the statement of Deepak, the brother of the deceased. It has been alleged that marriage of Nisha was solemnized with Gaurav on 28.06.2020. The family members of her in-laws had been torturing her for demand of dowry. Sufficient dowry articles were given at the time of marriage. The husband of the deceased had been raising demand of motor-cycle. The parents and the brother of Gaurav were also torturing the deceased for the demand of motor-cycle and dowry. The motor-cycle was purchased by the complainant for the husband of the deceased. Subsequently, a demand of Rs. 1 Lakh was raised. On 02.04.2021, the deceased telephonically informed the complainant that the petitioner along with her husband and both the sons are conspiring to kill her. However, the deceased was killed on the following day.

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased and is aged about 55 years. Substantially same allegations were levelled against her husband and other son who were found innocent during the course of investigation. The demand of motor-cycle has been allegedly attributed to the husband of the deceased, there are vague and general allegations with regard to demand of dowry against the petitioner. The charge was framed on 17.08.2021 and the petitioner is in custody for a period of 10 months and 22 days.

Learned State counsel has opposed the bail application on the score that the death has occurred within a period of one year from the marriage, the cause of death is stated to be hanging. There are allegations with regard to demand of dowry and subjecting the deceased to cruelty soon before her death and the material witnesses are yet to be examined.

Be that as it may, the petitioner is the mother-in-law of the deceased and is aged about 55 years. Similar allegations were levelled against her husband and other son who were found innocent during the course of investigation. No specific allegation with regard to any demand has been attributed to the petitioner. The petitioner is in custody for a period of 10 months and 22 days. The conclusion of trial is likely to take time as till date no witness has been examined despite the fact that charge was framed on 17.08.2021. Keeping in view the period of incarceration and other circumstances emerging in the case, sufficient and reasonable grounds are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

20.04.2022

Janki

(VIVEK PURI)
JUDGE

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