

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(232)

CRM-M-4341-2021

Date of Decision: 10.02.2022

Saroj

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Gautam Dutt, 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.0317 dated 21.8.2020 under sections 304-B, 34, 498-A, 506 I.P.C, registered at Police Station, Rohtak Sadar, District Rohtak.

Learned counsel for the petitioner vehemently contends that in the present case there are 2 accused i.e. husband and the present petitioner, who is mother-in-law of the deceased. He has drawn attention of this Court to the order dated 5.3.2021, whereby this Court had granted the interim bail to the petitioner after making detailed observations of the case. It has been contended that petitioner is 45 years old and is on interim bail from the last about one year. Counsel submits that the main accused i.e. husband of the deceased is already behind bars. In the facts and circumstances of the case whether a case under Section 304-B IPC is made out against the present

petitioner or not is totally a matter of evidence. Counsel submits that there is nothing on record to show that the petitioner has misused the concession of interim bail. It is further submitted that the material witness i.e. Complainant already stands examined and hence in the facts and circumstances of the case, the interim bail granted to the petitioner may be made absolute.

On the other hand, learned State counsel affirms the fact that petitioner is on interim bail. It is however submitted that charges were framed on 1.9.2021 under Section 304-B I.P.C and alternate charge under section 302 I.P.C was framed. It is further submitted that complainant already stands examined before the Trial Court and he has supported the case of the prosecution, however, there is nothing on record to show that petitioner has misused the concession of interim bail.

I have heard learned counsel for the parties at length and have gone through the records of the case carefully.

The petitioner is mother-in-law of the deceased. She is already on interim bail. There is nothing on record to suggest that she has misused the concession of interim bail. Complainant in the case already stands examined before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of circumstances and without making any observations on merits, present petition is allowed. The interim bail granted to the petitioner vide order dated 5.3.2021 is made absolute. Petitioner will remain on regular bail during pendency of the trial. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.02.2022

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