

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

CRM-M-5804-2022

Date of decision : 16.08.2022

Kamla Rani

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vansh Chawla, Advocate for
Mr. Tanvir Singh Attariwala, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.232 dated 04.12.2021, under Sections 306 and 34 of Indian Penal Code, registered at Police Station Basti Bawa Kehl, Jalandhar, Punjab.

As per the facts of the case, FIR was lodged by the complainant-Renu, sister of the deceased. It was alleged that her sister Rekha was married about 15 years ago with Dalip Kumar and out of the marriage, they have two children who are 14 years and 10 years of age. Her brother-in-law use to harass and beat her sister repeatedly and hence, her sister Rekha left the matrimonial home three years ago and started residing with her parents. However, on 9th October, they arrived at a mutual compromise and her sister returned back to the matrimonial home to join her husband. But after joining her matrimonial home, the husband and mother-in-law again started troubling her sister. Rekha informed her that her husband Dalip Kumar caused beating to her during last night

and is causing her trouble again and again. At about 02:24 PM her brother-in-law informed her that Rekha has consumed something poisonous and her condition is critical and he is taking her to Tagore Hospital. She reached Tagore Hospital and found that Rekha had already died and condition of the children was also serious due to consuming of poisonous substance. Son Gaurav died during treatment, however, the condition of the daughter Mannat was critical. The request was made to take strict legal action against Dalip Kumar and Kamla. On the basis of the complaint, FIR was registered and investigation commenced. The petitioner was arrested on 4th December, 2021. She approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of regular bail. After hearing counsel for the parties, the same was declined by learned Additional Sessions Judge vide his order dated 04.01.2022. Aggrieved by the same, the petitioner is before this Court for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner is mother-in-law of the deceased and she has been falsely implicated in this case. He submits that the real dispute was between the husband and wife and hence, the deceased had left the matrimonial home three years ago along with her children. He submits that the mental condition of the deceased was disturbed and it is on account of the same, she had taken the decision to leave the matrimonial home. He submits that after three years, she returned back to the matrimonial home along with the children. He has submitted that from the reading of the allegations, it is apparent that the dispute or alleged harassment was attributed to the husband and the petitioner had no role whatsoever in alleged dispute. He

has submitted that the fact that deceased had consumed poison alongwith both the children would further strengthened that deceased Rekha was not in the fit state of mind. He has submitted that from the reading of the allegations, the offence under Section 306 read with Section 107 IPC is not made out as ingredients in instigating the deceased for committing suicide is not made out against the petitioner. He has submitted that even otherwise, the complainant already stands examined by the trial Court and the petitioner having no criminal antecedents deserves to be granted bail.

Learned State counsel on the other hand submits that the petitioner being mother-in-law was instrumental in instigating her son for causing harassment to the deceased. She has submitted that deceased Rekha consumed poison and administered the same to both her children. Mother and the son succumbed to the poison, however, the daughter survived. She submits that the husband and the mother-in-law i.e. petitioner both are behind bars. Out of 15 prosecution witnesses, 03 witnesses including the complainant stand examined. She has submitted that as per the information, the petitioner has no criminal antecedents.

I have heard counsel for the parties and perused the record.

Petitioner is mother-in-law and is behind bars since 04.12.2021. The husband is also behind bars. There is nothing on record to show that the petitioner has any criminal antecedents. Out of 15 prosecution witnesses, 03 witnesses including the complainant already stand examined. The veracity of the allegations regarding instigating the deceased by the petitioner for committing suicide would be evaluated by the trial Court on the conclusion of the trial.

The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. However, keeping in view the facts and circumstances of the case, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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