

CRM-12623-2022 in/and
CRM-M-6320-2022
Date of decision: 21.04.2022

RAJBALA

...APPELLANT/PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S.Mamli, Advocate for the applicant/petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI,J. (ORAL)CRM-12623-2022

This is an application for placing on record the copies of the statements of the witnesses recorded during the course of trial (Annexure A-1).

CRM application is disposed of and Annexure A-1 is taken on record.

Registry to tag the same at the appropriate place.

Main case

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Rajbala-petitioner is seeking regular bail in the case bearing FIR No.448 dated 10.07.2021 under Sections 304-B/498-A/34 IPC, 1860, registered at Police Station Barwala, District Hisar.

Briefly, the FIR has been registered on the basis of the statement of Sita Ram, the father of the deceased alleging that the marriage of his daughter Parmila was solemnized on 10.12.2020 with Deepak. After the marriage, her husband-Deepak, father-in-law, Banwari Lal and the petitioner who is the mother-in-law of the deceased had been giving beatings and subjecting her to cruelty on account of demand of dowry. On 07.07.2021, the deceased committed suicide by

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased, she is in custody for a period of 07 months and 19 days and furthermore, the material witnesses who are the relatives of the deceased have not supported the prosecution version.

Learned State counsel has not assailed the aforesaid factual aspects but has opposed the bail application on the score that the death has occurred within a period of 07 months from the date of marriage on account of poisoning.

Be that as it may, PW1-Sita Ram, PW2-Kalawati, PW3-Vikas, PW4-Manish and PW5-Kuldeep @ Kala are the father, mother, brother, cousin, uncle of the deceased and mediator respectively and they have not supported the prosecution version.

It is emerging in the statements of the witnesses recorded during the course of trial that the marriage of the deceased was solemnized with Deepak against her wishes and was not happy with the same. Consequently, she used to remain under depression and on that score, she had committed suicide. As such, it will become a debatable and moot point as to whether the deceased was subjected to cruelty or harassment on account of demand of dowry soon before her death.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

21.04.2022
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(VIVEK PURI)
JUDGE

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