

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

214

(Through Video Conferencing)

CRM-M-6629-2022

Date of decision: 22.02.2022

Bimla @ Bimala

.....Petitioner

Versus

State of Harayana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Panwar, Advocate,
Mr. Dhananjay Singh, Advocate and
Mr. Dhruv Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.636 dated 21.10.2021 lodged under Sections 306, 498-A and 34 IPC registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner inter alia contends that it was essentially on account of temperamental differences and erratic behaviour of the petitioner's son, who was an alcoholic, that the deceased ended her life by consuming poison and that too after about 12 years of marriage. Learned counsel further submits that a false and fabricated case having been foisted upon the petitioner is evident from the fact that proceedings under Sections 107 and 151 Cr.P.C. (Annexure P-1) were initiated at the instance of the present complainant on 11.06.2021 i.e. just five months prior to the occurrence in question wherein he had not even by way of a whisper levelled any allegation

against the petitioner. Learned counsel submits that a perusal of the said Kalandara (Annexure P-1) clearly reveals that all the allegations had been levelled by the complainant against the petitioner's son i.e. husband of the deceased and had there been any grain of truth in the allegation levelled in the FIR in question, the complainant would not have failed to make a mention of the same in the said complaint. It has also been submitted that even though the petitioner was attributed an identical role as that of her husband Mahender, other son Vishal and married daughter Pinki in the FIR in question, however, the investigating agency while finding these three persons rightly innocent had chosen to charge sheet the petitioner along with her son Deepak i.e. the husband of the deceased. Learned counsel for the petitioner contends that investigation is complete, challan stands presented and there is no likelihood of the trial concluding in the near future as prosecution evidence is yet to commence, hence, she be extended the concession of bail. Learned counsel submits that in the facts and circumstances, further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer made by counsel opposite, has apprised the Court that the charges are likely to be framed on 01.03.2022 and as many as 15 prosecution witnesses have been cited. Learned State counsel has not been able to controvert the role attributed to petitioner as being identical to that of her husband Mahender, other son Vishal and married daughter Pinki. He, on further instructions has submitted that the petitioner is not involved in any other criminal case.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner, who is a lady, has been in custody since 24.11.2021 and there is no likelihood of the trial concluding in the near future as charges have also not been framed yet. The petitioner is not involved in any other criminal case.

In view of the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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