

GUDDI DEVI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 677 dated 03.11.2021 under Sections 201, 306, 511, 34 IPC, registered at Police Station Narnaund, District Hansi.

Briefly, as per the allegations of the prosecution, the marriage of the deceased Kofi @ Kavita was solemnized with Pawan @ Peena on 25.03.2012. A daughter, aged about 6 years and a son aged about 4 years were born from the wedlock. On 03.11.2021, a telephonic message was received by Rampal, the father of the deceased who was informed about her death. It was informed that the death has occurred due to heart failure. However, some ligature marks were found on the neck and the family members of in-laws of the deceased wanted to cremate the body to conceal the cause of death.

Learned counsel for the petitioner contends that the death has occurred after a period of 9 years from the marriage. The petitioner is the

mother-in-law of the deceased. Two grand children are residing with close family friends and they are required to be taken care of by the petitioner. The allegations levelled in the FIR are false and there is nothing to suggest that any complaint was made at any Forum either by the deceased or her parental family members during her lifetime. The investigation of the case is complete, the challan has been presented, charge has been framed but no witness has been examined so far. The petitioner is in custody for a period of 7 months and 13 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that there are categoric allegations levelled against the petitioner with regard to misbehaviour, harassment and beatings given to the deceased. He further states that the cause of death in the instant case is hanging.

Be that as it may, the petitioner is the mother-in-law of the deceased. The marriage of the deceased took place with the son of the petitioner about 9 years prior to the occurrence. There is nothing to suggest that any complaint at any Forum was submitted by the deceased or her parental family members during her lifetime. Two children of the deceased are required to be taken care of by the petitioner, who is their grandmother. The cause of death of hanging. The investigation of the case is complete. Though the challan has been presented but no witness has been examined so far. The petitioner is in custody for a period of 7 months and 13 days and is not involved in any other case. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances 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.

(VIVEK PURI)
JUDGE

26.07.2022

Janki

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