

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

CRM-M-13525-2022
Date of decision: 6.5.2022

Kaushilya

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Preetinder S. Ahluwalia, Advocate, for the petitioner.

Mr. Kirpal Singh, Assistant Advocate General, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.32 dated 22.2.2021, registered under Sections 323, 328, 498-A, 201 read with Section 34 IPC, at Police Station Sadar Bahadurgarh, District Jhajjar.

As per the facts of the present case, the present FIR was lodged by the complainant, namely, Savita. It was alleged that her marriage took place in the year 2006 with Ombir and they were blessed with a son, namely, Nitin, who is 12 years of age. Her husband being alcoholic used to beat her. On the date of the lodging of the FIR at about 2:00 pm, she was sitting on the chokhat of the room, when her husband Ombir, her mother-in-law Kaushilya and her brother-in-law Inderves came there and then her mother-in-law and brother-in-law caught hold her and her husband opened her mouth and put the medicine used for killing rat in her mouth. All of them had administered her the medicine forcibly with an intention to kill her. Her condition started deteriorating and she started vomiting. On getting the information, her brother

came to the village and brought her to the Government Hospital, Bahadurgarh from where she was referred to PGIMS, Rohtak. The FIR was lodged to take the legal action against the culprits. On commencement of the investigation, her statement was recorded under Section 164 Cr.P.C. on 27.3.2021 and thereafter, challan was presented. The petitioner was arrested on 3.9.2021. The petitioner approached the learned Additional Sessions Judge (Exclusive Court), Jhajjar praying for the grant of bail, who after hearing the parties, declined the same vide its order dated 8.3.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner is an elderly lady of 75 years of age and was not even remotely connected with alleged offence. He submits that she has been implicated in the present case only being the mother of the husband of the complainant. He submits that the complainant has been changing her statement at every stage. In the FIR she has levelled the allegations of catching hold of her by the old lady i.e. the petitioner, whereas, at the time of recording of statement under Section 164 Cr.P.C. there are no allegations regarding catching hold of her. He submits that the complainant has been examined by the trial Court as PW-1. During her cross-examination, the complainant has admitted that the petitioner is living separately from the matrimonial house. She also admitted that at the time of recording of statement under Section 164 Cr.P.C., she never made allegations of catching hold of her. Learned counsel for the petitioner submits that the facts and circumstances are self speaking and the false implication of the petitioner is writ large as there is no consistency in the statements made by the complainant. He further submits that even otherwise, the investigation

already stands complete and the material witnesses i.e. the complainant also stands examined, thus, there cannot be any apprehension to be projected against the petitioner for influencing or tampering with the witnesses to be examined before the trial Court. He submits that the petitioner deserves to be enlarged on bail.

Learned State counsel, on instructions from ASI Anil Kumar, has opposed the submissions made by learned counsel for the petitioner and submitted that there are specific allegations against the petitioner. He submits that though the petitioner is an elderly woman, however, allegations against her are specific. He also submits that contradictions made by the complainant are not material and thus, do not affect the case of the prosecution adversely.

Heard.

The petitioner is an elderly woman of 75 years of age. There is nothing on record showing that the petitioner has any criminal antecedents or she was ever involved in any criminal case. Investigation in this case already stands completed. The material witnesses already stands examined. The allegations regarding contradictions made by the complainant are material or not would be assessed by the learned trial Court after conclusion of the trial. However, it is apparent that all the family members i.e. the petitioner and her two sons are behind bars. The trial of the case will take sufficient time. In the overall facts and circumstances, I am of the opinion that learned counsel for the petitioner has been able to make 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 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.

6.5.2022
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
:
:
Yes/No
Yes/No