

CRM-M-15311-2022

Date of decision: 22.11.2022

SUMITRA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bijender Singh Dhankar, Advocate and
Mr. G.C. Shahpuri, Advocate for the petitioner.
Mr. Gurbir Singh Dhillon, AAG, Haryana.
Mr. Deepender Singh, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

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

Sumitra-petitioner is seeking regular bail in the case bearing FIR No.42 dated 20.01.2021 under Sections 304-B/120-B/302/406 IPC, 1860, registered at Police Station City, Palwal.

Briefly, as per the allegations of the prosecution, the marriage of the deceased was solemnized with Rohit, the son of the petitioner on 25.2.2020. There are allegations with regard to demand of car, cash, golden jewellery and scooty attributed against the petitioner and the co-accused. On 19.01.2021, the deceased had telephonically informed her father that the petitioner and the co-accused want to kill her. The death took place on 20.01.2021.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 01 year, 08 months and 27 days. The charge under Section 304-B and in the alternative 302 IPC has already been framed. However, the examination-in-chief of only one witness has been recorded. The challan was presented against the petitioner and the husband of the deceased. At the earlier instance, the husband of the petitioner was found innocent but subsequently, supplementary challan has been presented against him. The daughter of the

Cr.P.C for summoning Geeta, the daughter of the petitioner as an accused has been moved. Although, as per the opinion of the Medical Board, it has been stated that the cause of death in the case was asphyxia as a result of ante-mortem strangulation but Dr. Vinod Kumar has also opined that suicidal hanging cannot be ruled out.

The bail application has been resisted by the learned State counsel and the counsel for the complainant on the score that the death has occurred within a period of 11 months from the date of marriage and furthermore, the medical opinion indicates that it was a case of ante-mortem strangulation.

It is significant to note that the petitioner is the mother-in-law of the deceased and is in custody for a period of 01 years, 08 months and 27 days. It will be debatable and moot point during the course of trial as to whether it was a case of ante-mortem strangulation or suicidal hanging. So far, out of 25, examination-in-chief of only one witness has been recorded and thereafter, an application under Section 319 Cr.P.C has been moved. The conclusion of trial is likely to take sometime and no fruitful purpose will be served by detaining the petitioner in further custody.

In these set of circumstance, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

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 her furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

22.11.2022
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(VIVEK PURI)
JUDGE

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