

CRM-M-30580-2022(O&M)
Date of decision: 28.07.2022

CHAINA @ NAINA DEVI

...PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vidul Kapoor, Advocate for the petitioner. ‘

Mr. Ankur Bali, Addl. PP, for UT, Chandigarh.

VIVEK PURI, J. (ORAL)

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

Chaina @ Naina Devi-petitioner is seeking regular bail in the case bearing FIR No.66 dated 15.06.2021 under Sections 304-B/34 IPC (Sections 302 read with 120-B/498-A added later on), registered at Police Station Sarangpur, Chandigarh.

Briefly, as per the allegation of the prosecution, the marriage of the deceased was solemnized with Budhram @ Deepak, the brother of the petitioner on 22.04.2016. It has been alleged that the deceased was tortured on account of demand of dowry and on 11.06.2021, she committed suicide by hanging herself.

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased. She is aged about 47 years and has undergone custody for a period of 01 year, 01 month and 13 days. She is not involved in any other case. Furthermore, there are false and vague allegations levelled in the FIR. The FIR does not indicate that any specific article was ever demanded by the petitioner. Moreover, the deceased was having three unmarried sisters. There

deceased had been asking the son of the petitioner to financially supplement her parental family.

Learned State counsel has opposed the bail application on the score that there is specific allegation with regard to maltreatment meted out to the deceased on account of demand of dowry and the death had occurred otherwise than under normal circumstances within a period of 07 years of the marriage

It has not been disputed that the complainant has been examined in this case. The petitioner is in custody for a period of 01 year, 01 month and 13 days and is not involved in any other case. The petitioner is the mother-in-law of the deceased. There is no mention of demand of any specific article in the FIR which has been lodged on the basis of the statement of the father of the deceased. Though, out of 24, 06 witnesses have been examined and 08 witnesses have been given up but still the conclusion of trial is likely to take sometime. The genuineness of the allegations against the petitioner will be debatable and moot point during the course of trial. As such, 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 his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

28.07.2022
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(VIVEK PURI)
JUDGE

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