

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

CRM-M-35815-2022

Date of decision : 30.09.2022

Uma Saini

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Ashish Pundir, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.38 dated 01.04.2022, under Sections 498-A, 406, 377, 376, 493, 494, 495, 420, 120-B, 109, 506, 34 of Indian Penal Code, registered at Police Station Women Rohtak, District Rohtak.

As per the facts of the case, the petitioner is mother-in-law of the complainant Meenu Rani. The complaint was lodged with the police on the basis of the allegations that the complainant married with Bhushan Saini on 06.12.2021. Her parents gave sufficient dowry amounting to Rs.40-50 lacs during the marriage. After the marriage, the complainant came to know about the marital status of her husband that he was already married with one Geeta Verma. She found that the husband and other family members intentionally concealed the factum of the first marriage of her husband and the marriage of Bhushan Saini has been performed with the complainant only in order to grab the dowry amount. The request

was made to register the FIR against of the accused and take the legal action. On registration of the FIR, the investigation commenced and the petitioner was arrested on 17.05.2022. She approached the Court of learned Additional District and Sessions Judge, Rohtak praying for grant of regular bail. However, after hearing counsel for both the sides, the same was declined by the learned Additional District and Sessions Judge, Rohtak vide order dated 29.07.2022. Aggrieved by the same, the petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has contended that the petitioner is an old woman who has been falsely implicated in this case. He submits that the petitioner had no role whatsoever as alleged by the complainant. He has submitted that the son of the petitioner is a Probationary Officer whereas, the complainant is residing in New Delhi. She was never aware regarding the allegations made by the complainant about the marital status of her son. However, the marriage of her son was performed with the complainant and there was no conspiracy etc. on the part of the complainant for performing the second marriage of her son as alleged by the complainant. He submits that the petitioner has been implicated in this case only being the mother of Bhushan Saini. He submits that the petitioner has no criminal antecedents and now investigation is also complete. He has submitted that in the facts and circumstances of the case, petitioner deserves to be granted bail.

Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has been specifically named by the complainant in the FIR. He submits that the complainant is the mother of Bhushan Saini with whom

the complainant was married and the factum of his first marriage was intentionally concealed from the complainant. He submits that the complainant had been cheated and the family had been duped by taking hefty dowry from the complainant family. He submits that the petitioner deserves no leniency and the bail deserves to be dismissed.

Learned State counsel has submitted that there are specific allegations against the petitioner. He submits that the investigation is complete and the challan is also presented. He submits that the charges are also framed by the learned trial Court and the case is fixed for 18.10.2022 for examination of the prosecution witnesses. He has submitted that as per information, the petitioner has no criminal antecedents. He also submits that in all, there are three accused i.e. husband and the parents-in-law of the complainant and all three accused are behind bars as on date. He submits that during investigation, accused Geeta Verma who is alleged to be the first wife of Bhushan Saini was also investigated. However, the allegations were found to be false and hence, she has been kept in Column No.2.

I have heard counsel for the parties and perused the record.

Petitioner is mother-in-law of the complainant who is behind bars since 17.05.2022. All the three accused are behind bars. The allegations against the petitioner are regarding concealing the factum of the earlier marriage of Bhushan Saini. Geeta Verma, first wife of Bhushan Saini has been investigated and she has been kept in Column No.2 as the allegations were not found to have been substantiated by the investigating agency. There is nothing on record to show that the petitioner has any criminal antecedents. The allegations and counter-allegations would be

assessed by the trial Court on the evaluation of the evidence to be produced by the respective parties.

The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. However, in the attending facts and circumstances when the investigation is complete and charges are framed, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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.

30.09.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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