

208 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
(through video conferencing)

CRM-M-48651-2021
Decided on : 07.01.2022

Dayawati

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Bajwa, Advocate, for the petitioner.

Mr. Tanushree Gupta, DAG, Haryana.

Mr. Kunal Dawar, Advocate, for the complainant.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No 74 Dated 04.03.2020 under Sections 304-B read with section 34 IPC registered at Police Station Mundkati District Kapurthala (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner, who is mother-in-law of the deceased, is innocent and has been falsely implicated in the case in hand. He further submits that there was no shred of any evidence to connect her with the crime in question. He still further submits that the petitioner was declared innocent by the investigating agency, however, subsequently she was nominated as an accused on the basis of a statement recorded under Section 161 Cr.PC of the sister of the deceased wherein she levelled allegations against the petitioner of subjecting the deceased to mental and physical harassment.

On being put to notice, learned state counsel assisted by counsel for the complainant has submitted that Laxmi on whose statement the petitioner was nominated as an accused was not only the sister of the

deceased but also married to the other son of the petitioner. She further submits that it is not a case wherein the statement under Section 161 Cr.PC of Laxmi was recorded much after the registration of the FIR in question. Rather it was recorded within two days of the registration of FIR in question. While opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel further submits that the petitioner along with the co-accused i.e. her son (i.e. husband of the deceased) and her husband, were named in the FIR in question and soon after the occurrence in question had fled away. She further submits that since the deceased had died an unnatural death within five months of her marriage, the petitioner be not extended the concession of anticipatory bail, as her custodial interrogation was required by the investigating agency.

Heard learned counsel for the parties and perused the material available on record.

Prima facie, there are serious allegations against the petitioner of subjecting her deceased daughter-in-law to harassment, as a result of which, she ended her life. This Court, therefore, does not deem it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

07.01.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No