

**219 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.46035 of 2022
Date of Decision: 30.11.2022**

Chander Kalan alias Chandro **..... Petitioner**

Versus

State of Haryana **..... Respondent**

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jasdev Singh Thind, Advocate
 for the petitioner.

 Mr. R. K. Arya, DAG, Haryana.

MANJARI NEHRU KAUL J. (Oral)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.21, dated 02.02.2021, lodged under Sections 306, 34 of Indian Penal Code, 1860, registered at Police Station Bhuna, District Fatehabad.

Learned counsel appearing for the petitioner submits that the petitioner, who is a lady aged 54 years, has been in custody since 15.02.2021 and there is no likelihood of the trial concluding in the near future as 18 prosecution witnesses remain to be examined. He further submits that the petitioner was not even present in the house at the time of the occurrence in question as she was in her fields and it was during her absence, her deceased daughter-in-law, namely, Renu, committed suicide by consuming some poisonous substance. It has also been submitted that there is a delay in lodging of the FIR from which an inference can be drawn that it was on account of passions running high, on account of the death of his daughter, the FIR in question was registered by the complainant against the in-laws family of the deceased wherein totally false and fabricated allegations were levelled.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions submits that the complainant, who is the father of deceased, while stepping into the witness box, reiterated the allegations levelled against the petitioner and her son and supported the case of the prosecution. It is submitted that the deceased was being subjected to continuous harassment by her in-laws family including the petitioner, as a result of which, she ended her life. He submits that in the circumstances, the mischief to attract offence under section 306 IPC is clearly made out.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner, who is a 54 year old lady, has been in custody for close to 02 years, having been arrested on 15.02.2021. The sole material witness, i.e., the complainant stands examined and 18 prosecution witnesses remain to be examined. The trial would therefore take considerable time to conclude.

This Court deems it appropriate to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.11.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No