

**CRM No.10015 of 2022 in/and
CRM-M-53438 of 2021 (O&M)**

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

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**CRM No.10015 of 2022 in/and
CRM-M-53438 of 2021 (O&M)
Date of decision:06.05.2022**

Bala Devi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Inderpal Khokhar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

CRM No.10015 of 2022

Prayer in the application is for preponement of hearing of the
main case.

For the reasons given in the application, it is allowed.

Hearing of the main case is preponed to today and it is ordered
to be taken up on Board for hearing.

CRM-M-53438 of 2021 (O&M)

Instant petition has been filed under Section 439 Cr.P.C
seeking grant of regular bail to the petitioner in case FIR No.240 dated
24.06.2021 registered under Sections 304-B, 498-A, 34 of Indian Penal
Code, 1860 at Police Station City Jhajjar, District Jhajjar (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been

registered on the statement of Rohtash on the allegation that his daughter Meenakshi was married to Tejpal on 06.12.2020. After marriage, she came to her paternal home 1-2 times and told him that her mother-in-law, husband and brother-in-law, have been torturing her for bringing insufficient dowry. With the intervention of a few respectable persons, complainant convinced the accused, fulfilled their demands of dowry and in order to save his image in the society, he did not report the incident. However, the accused abused and turned his daughter out from the matrimonial home while raising a demand of a vehicle in dowry. On 24.06.2021, at 8.00 p.m., he received information from the police that his daughter, who was pregnant, has died. He has alleged that she has ended her life because of persistent demands of dowry by her husband and his relatives.

Counsel for the petitioner contends that a false case has been lodged against the petitioner, who is mother-in-law of the deceased and allegation of demand or harassment on account of dowry demand is not substantiated. By referring to the testimony of the complainant, who has stepped into witness box as PW1 as well as testimony of both his brothers, PW2 and PW3, counsel contends that star witnesses have not supported the case of the prosecution and have been declared to be hostile. He submits that petitioner, who is 48 years of age and is in incarceration since 23.08.2021 deserves to be enlarged on bail.

Per contra, State counsel upon instructions from ASI Ashok Kumar, has opposed the petition on the ground that the petitioner is

accused of heinous crime and has argued that essential ingredients of Section 304-B IPC are fulfilled. However, she could not dispute the fact that the complainant has not supported the prosecution. As per her instructions, 03 out of 17 prosecution witnesses have been examined and 03 witnesses have been summoned for 06.06.2022.

Having considered the submissions made by counsel for the parties, considering the age of the petitioner, who is a middle aged, her custody period and the fact that material prosecution witnesses have been examined and that the trial is not likely to conclude in the near future, this Court is of the view that the petitioner would be entitled to be released on bail during pendency of the trial.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

May 06, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No