

S.No.219

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

(through video conferencing)

CRM-M-54358-2021 (O&M)

Date of Decision:07.01.2022

Kamlesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Suresh.

Mr. Sukesh K. Jindal, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.177 dated 29.06.2021 registered under Sections 498A, 406, 377, 420, 323, 34 IPC and Section 464, 467, 471, 477A, 120B of IPC (added later) at Police Station Arya Nagar Rohtak.

Learned Senior counsel for the petitioner, while drawing attention of this Court to FIR Annexure P.1 which was registered at the instance of the daughter-in-law of the petitioner, submits that a perusal of the same clearly reveals that the only allegations levelled against the petitioner are of subjecting the complainant to mental harassment for not getting dowry as per their expectations, which are in fact, totally false & fabricated. Learned Senior counsel for the petitioner submits that as far as

the allegations qua forgery are concerned, the same have not been levelled

against the petitioner but against her son, i.e. the husband of the complainant. He further submits that the FIR in question came to be registered on account of temperamental differences between the complainant and her husband and with an oblique motive the complainant had implicated her parents-in-law even though after her marriage, she had been living separately with her husband at Sirsa. Learned counsel submits that the petitioner be extended the concession of bail, as she is a 55 years old lady, who has been in custody since 09.11.2021.

Per contra, learned State Counsel assisted by learned counsel for the complainant, while opposing the prayer made by learned Senior counsel submits that there were specific allegations levelled in the FIR against the petitioner of being dissatisfied with the dowry received as a result of which she would subject the complainant to continuous harassment. Learned State Counsel has, however, not been able to controvert the fact that the allegations of forgery levelled in the FIR in question are not against the petitioner but against her son. Learned counsel appearing for the complainant submits that though main allegations have been levelled by the complainant against her husband with respect to forgery, however, the petitioner, who was her mother-in-law had conspired with her son i.e. husband of the complainant in the commission of the said offence, inasmuch as, the gold ornaments of the complainant were handed over by the petitioner to her son, who then misused them by opening a gold loan account by forging the complainant's signatures.

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

In the facts & circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner, who is a 55 years old lady, as the trial will take considerable time to conclude. Resultantly, 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.

07.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No