

SUMITRA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. G.S.Dhillon, Advocate for  
Mr. L.M. Gulati, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Sumitra-petitioner is seeking regular bail in the case bearing FIR No.225 dated 25.07.2021, under Sections 304-B/323/34/498-A/506 IPC (Charge framed under Section 304-B with alternate charge under Sections 302/406/34 of IPC), registered at Police Station Uchana, District Jind.

Briefly, the case has been registered on the basis of the statement of Deepak, the brother of the deceased alleging that the marriage of his sister Pinky was solemnized with Rahul on 04.12.2016 and a son who is presently aged about 03 years was born from the wedlock. After about one year from the marriage, Rahul started pressurizing the deceased to bring cash and motorcycle and on her refusal, Rahul and his parents used to give beatings to her. Rahul also had illicit relationship with other women. The husband and in-laws of the deceased had been threatening to kill her for not bringing dowry. On 25.07.2021, a message was received from the petitioner that Pinky has consumed some poisonous

substance.

Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased and is in custody for a period of 09 months and 17 days. She is not involved in any other case. The private witnesses are not turning up to give statement in the Court despite repeated adjournments. The allegations with regard to demand have been attributed to the husband of the deceased. Even, if the husband of the deceased was having illicit relationship and the deceased had committed suicide, on that score, it will not attract the penal provision of Section 304-B IPC. The grandson of the petitioner who is presently aged about 04 years, is in the custody of the paternal grandfather and is required to be looked after by the petitioner. Substantially, the similar allegations were levelled against the father-in-law of the deceased but he has been found innocent during the course of investigation.

Learned State counsel and counsel for the complainant have resisted the bail application on the score that the death had occurred otherwise than under normal circumstances within a period of 07 years of the marriage. There are specific allegations to the effect that the petitioner had been giving beatings to the deceased on her refusal to meet with the demand. Even in the FIR, it has been mentioned that about 02 months prior to the occurrence of the deceased had disclosed to the complainant that the husband and her in-laws were threatening to kill her for not bringing the dowry.

In the instant case, the petitioner is in custody for a period of 09 months and 17 days and is not involved in any other case. She is the mother-in-law of the deceased. The allegations with regard to demand of motorcycle and cash have been attributed to the husband of the deceased. Although, it has been mentioned in the reply that out of 16, 06 witnesses have been examined but the

for their deposition despite repeated adjournments. The petitioner has to look after the grandson who is aged about 04 years. The genuineness of the rival allegations against the petitioner are to be adjudicated during the course of the trial and its conclusion is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

12.07.2022  
*renubala*

**(VIVEK PURI)**  
**JUDGE**

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