

AAYSHA REHMAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Deepali Verma, Advocate for
Mr. Jagdeep Singh Rana, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 356 dated 02.11.2020 under Sections 304-B, 34, 406 IPC and Sections 120-B, 302 IPC added later on, registered at Police Station Khedki Daula, Gurugram.

Learned counsel for the petitioner contends that the son of the petitioner had solemnized love marriage with the deceased in the year 2018. False allegations with regard to demand of dowry have been attributed against the petitioner. The petitioner is in custody for a period of 1 year, 10 months and 11 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that the petitioner and her son have been specifically nominated in the FIR. Furthermore, the cause of death is asphyxia following ante mortem neck compression by ligature mark and the external ligature mark on the neck is also suggestive of strangulation. It has been further stated that the

charge has been framed under Section 304-B and in the alternative under 302 IPC. So far only 13, out of 32 witnesses have been examined.

It may be mentioned here that the petitioner is the mother-in-law of the deceased. It was a case of love marriage. It will remain a debatable and moot point during the course of trial as to whether the petitioner had raised any demand of dowry. The petitioner is in custody for a period of 1 year, 10 months and 11 days and is not involved in any other case. So far only 13, out of 32 witnesses have been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would 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. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

21.11.2022

Janki

(VIVEK PURI)
JUDGE

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