

SUNITA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.K.Gollen, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIVEK PURI, J. (ORAL)

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

Sunita-petitioner is seeking regular bail in the case bearing FIR No.241 dated 25.06.2021, under Sections 302/498-A/304-B/120-B/34 IPC (Sections 302/120-B IPC added later on, registered at Police Station Barauda, District Sonipat.

Briefly, the FIR has been registered on the basis of the statement of the father of the deceased alleging that the marriage of the deceased was solemnized on 15.12.2020. The petitioner is the mother-in-law of the deceased. The father-in-law, mother-in-law, brother-in-law and the husband of the deceased had been harassing the deceased for dowry and raising demand of car, AC, chain and Rs.10,00,000/-. On 24.06.2021, the deceased along with her husband, namely, Gulshan had visited the house of the complainant. They left for their home at about 05:00 AM in the morning hours. After sometime, the husband of the deceased telephonically informed him that they are present at drain No.8 before Surya Garden and the deceased is not speaking. On receiving the information, the complainant visited the spot and found that Gulshan was sitting

at the track of the drain with blood stains. The deceased was lying dead near the track with body full of blood stains. It has been alleged that the husband of the deceased had committed her murder and she was being harassed for demand of dowry.

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 01 year, 04 months and 02 days. Substantially, same allegations have been levelled against her husband but he was found innocent during the course of investigation. During the course of trial, an application under Section 319 Cr.P.C was also moved for summoning the husband of the petitioner but the same has also been dismissed by the trial Court. The charge has been framed with regard to offence under Section 498-A/120-B/304-B read with Section 34 IPC against the petitioner. However, the husband of the deceased has also been charged under Section 302 IPC. There is no evidence to indicate that the petitioner was also present at the spot when the husband of the deceased allegedly committed her murder. The cause of death has been stated to be excessive loss of blood, hemorrhage and shock due to injuries suffered by the deceased. In these set of circumstances, the commission of offence under Section 304-B IPC will be debatable and moot point during the course of trial.

Learned State counsel has opposed the bail application on the score that there are categoric allegations against the petitioner levelled in the FIR. Furthermore, the death has occurred within a period of 06 months from the date of marriage and so far out of 21, only 01 witness has been examined.

It is significant to note that the allegations spelt out in the FIR indicate that murder of the deceased has been committed by her husband. He was found with blood stains on his clothes and present near dead body at the bank of

IPC was deleted but charge has been framed qua the said offence against the petitioner by the trial court. Substantially, similar allegations have been levelled against the husband of the petitioner but he was found innocent during the course of investigation and even, the application under Section 319 Cr.P.C for summoning him has been dismissed by the trial Court. The petitioner is in custody for a period of 01 year, 04 months and 02 days and is not involved in any other case. She is the mother-in-law of the deceased. So far only 01, out of 21 witnesses have been examined. The conclusion of trial 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 her furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

01.12.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No