

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-54013-2022
Decided on 09.12.2022.****Ramesh Devi****...Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Japjit Singh Johal, Advocate and
Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

VIKRAM AGGARWAL, J.

Prayer in this petition is for grant of regular bail in case FIR No.232 dated 19.05.2022, under Sections 304-B & 34 of the Indian Penal Code, 1860 (Section 406 read with Section 34 IPC and 498-A read with Section 34 IPC were added later on), registered at Police Station Palam Vihar, District Gurugram.

Learned Senior counsel for the petitioner states that the petitioner, who is the mother-in-law of the deceased is 77 years old and is in custody since 13.08.2022. He submits that the main accused i.e. the husband of the deceased is also in custody.

Learned Senior counsel has referred to the suicide note and has submitted that there are no direct allegations of harassment for dowry and that the suicide was more on account of personal reasons. Learned Senior counsel has submitted that the case of abetment of suicide has been converted into a case of dowry death. Learned Senior counsel has submitted that no useful purpose would be served by keeping the petitioner in custody any longer and considering her age she be released on bail.

On the other hand learned State counsel has opposed the bail

application. He submits that there are specific allegations in the FIR. It has been contended that charges have not yet been framed and if the petitioner is released on bail she may try to influence or threaten the witnesses. He further states that as per the report of the FSL, the suicide note is in the handwriting of the deceased.

The marriage of the deceased was solemnized with the son of the petitioner on 18.02.2022. Unfortunately, she committed suicide on 19.05.2022 i.e. just after three years of the marriage. There is a suicide note executed by the deceased. Whether the same discloses ingredients of harassment for dowry or not shall be determined at the stage of trial. No observations by this Court at this stage are deemed appropriate lest it may affect the merits of the case. The main accused i.e. the husband of the deceased is in custody. The petitioner is an old lady aged 77 years in custody for almost four months now. Being an old woman aged 77 years, the chances of her threatening or influencing the witnesses especially when the main accused i.e. her son is in custody are not there. In any case, considering the age of the petitioner and also considering that she is in custody for the last four months, this Court is of the considered opinion that she should be released on bail.

Without expressing any opinion on the merits of the case and keeping in view the fact that conclusion of the trial will take a considerably long time, the present petition is allowed. Petitioner- Ramesh Devi, is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurugram.

09.12.2022*R. sharma***(VIKRAM AGGARWAL)
JUDGE**

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