

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-54534-2022

Date of Decision:-30.11.2022

Sheela @ Sushila.

.....Petitioner.

Versus

The State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lalit Kumar, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.179 dated 30.03.2022 under Sections 306 read with Section 34 IPC registered at Police Station Bhiwani, District Bhiwani, Haryana.

The present FIR came to be registered at the instance of Shamsher Singh who stated that his brother deceased Sushil was married to petitioner-Sheela on 02.08.2021. He used to be told by his brother that Sheela (wife of Sushil) and her mother Channo used to harass and humiliate him and they used to demand money and pressurize him to transfer ancestral property in their name. He (complainant) had given the deceased a sum of Rs.40,000/- on one occasion and Rs.10,000/- on another occasion. On account of issues of compatibility, his brother and wife decided to live separately. However, the petitioner and her mother used to forcibly reside in the house of his brother and started torturing him for the transfer of

property. They also asked him not to maintain contact with his family. The neighbours also told him about the atrocities committed against his brother Sushil. Since his brother had committed suicide on account of these facts, appropriate action was sought against the petitioner and her mother.

Pursuant to the registration of the FIR a suicide note was found in which the deceased has allegedly written that his wife(petitioner) and her mother were harassing him, threatening to kill him and were demanding a sum of Rs.10 lacs. He was compelled to commit suicide because of harassment.

The Counsel for the petitioner contends that the allegations against the petitioner are completely baseless. In fact, pursuant to their differences, they furnished affidavits and started residing separately after 22.12.2021. The petitioner was residing at village Kishangarh, District Rohtak since 12.12.2021 whereas the deceased was residing at Bhiwani. A compromise was executed between the couple as is borne out from Annexure P-4. In fact the deceased used to consume liquor and would give beatings to the petitioner from the very inception of the marriage. This led to her moving applications against the deceased. He contends that no offence under Section 306 IPC is made out and even otherwise, since the petitioner was in custody since 01.04.2022 and only three prosecution witnesses out of 19 cited prosecution witnesses had been examined, the further incarceration of the petitioner was not required and she ought to be granted the concession of bail.

The Counsel for the State on the other hand contends that the petitioner and her mother harassed the deceased to such an extent that he was compelled to commit suicide by hanging. The suicide note (FSL report regarding same still awaited) would reveal that the deceased himself has stated that the petitioner and her mother were harassing him. The nature of the allegations levelled against the petitioner did not entitle her to the grant of bail.

I have heard learned Counsel for the parties at length.

The veracity of the allegations levelled against the petitioner and her mother would be adjudicated upon during the course of trial. The petitioner has been in custody since 01.04.2022 and only 03 prosecution witnesses have been examined so far. The co-accused of the petitioner

namely Channo Devi (mother) has been granted the concession of bail vide order Annexure P-6. Therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**Sheela @ Sushila** daughter of Sh. Balbir is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 30, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>