

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 222

Criminal Miscellaneous No.M-14812 of 2023

Date of Decision: *March 28, 2023*

Manjit Kaur

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.152 dated 29.11.2021, registered under Sections 304-B and 34 IPC at Police Station Shambu, District Patiala.

2. As per the FIR, the petitioner, who is mother-in-law of the deceased Sonia Devi, is alleged to have taunted and harassed her along with co-accused for bringing less dowry due to which she became mentally disturbed. The marriage was solemnized on 27.06.2021.

3. Learned counsel for the petitioner contends that there is no specific attribution to the petitioner of harassment to the deceased soon before her death. Vague and omnibus allegations have been levelled against all the accused. The alleged offences are not even *prima facie* made out against the petitioner. Besides, trial of the case is not progressing despite charges having been framed on 16.09.2022. Only one out of eighteen witnesses has been examined despite several opportunities given by the trial Court. On 01.11.2022 and 22.12.2022, none of the witnesses was present.

On 16.02.2023, only one witness could be examined and trial was adjourned to 27.03.2023. On that date also, none could be examined and the trial was adjourned to 17.05.2023. The petitioner is in custody since 08.12.2021.

4 Learned State counsel, upon instructions from ASI Gurvinder Singh, opposes the grant of bail and states that trial of the case has already commenced. He is, however, not in a position to dispute the submissions made by the learned counsel for the petitioner.

5. The facts submitted have been considered. Apparently, investigation of the case is over, and the trial is not progressing as the prosecution has failed to examine the witnesses despite several opportunities. In these circumstances there is no justification to confine the petitioner to custody any longer, nor will it serve any useful purpose.

6. Accordingly, the petitioner is ordered to be released on bail subject to furnishing of adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. Petition stands allowed.

(Tribhuvan Dahiya)
Judge

March 28, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No