

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-15350-2023

Date of decision: 10.04.2023

Prem Lata @ Prem Devi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Vikas Bishnoi, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.178 dated 10.06.2021 under Sections 304-B, 34 and 498-A of the IPC registered at Police Station Bawani Khera.

Learned counsel for the petitioner submits that the petitioner is the mother-in-law of Ravina (since deceased) and has now been in custody since 21.07.2021. He further submits that since out of the 17 prosecution witnesses cited, all 07 material witnesses stand examined, further incarceration of the petitioner shall serve no useful purpose.

Learned counsel for the petitioner has furthermore argued that even otherwise on a bare perusal of the FIR in question the essential ingredients to attract the mischief of an offence under Section 304-B/498-A of the IPC is not made out as it was only the complainant (father of the deceased) who had alleged in the FIR that the deceased

was being continuously harassed on account of money demands etc. by the accused party, and a number of Panchayats were also convened which, however, proved to be futile. Learned counsel while drawing the attention of this court to Annexure P-4 which is a suicide note left behind by the deceased on her WhatsApp, submits that a perusal of the same reveals that the deceased had not uttered any word against the accused including the petitioner qua the alleged harassment on account of dowry demands. Learned counsel has still further submitted that it was also a matter of record that the deceased had transferred an amount of ₹2.5 lakhs and another amount of ₹1.5 lakhs in the name of the vendor of the house which was purchased by her father i.e. the complainant. Learned counsel submits that on a consideration of all the above facts and circumstances in their entirety, it left no manner of doubt that the deceased was not being harassed by her in-laws family much less for demand of dowry, as had been alleged by the prosecution.

Per contra, learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Sandeep, has submitted that the FIR is not an encyclopedia and the suicide note could not be read in isolation. Rather the allegations levelled in the FIR had to be read in conjunction with the suicide note left behind by the deceased. It has been contended that the complainant had specifically alleged that his deceased daughter was being continuously harassed for not getting dowry as per the expectations of the accused party and various Panchayats too had been convened, and thus it was apparent that the deceased had been pushed to the wall by the accused including the petitioner, as a result of which she first poisoned her young

daughter to death and thereafter committed suicide. Learned State counsel has also submitted on instructions that the trial shall not take much time to conclude as only official witnesses remain to be examined now and the next date fixed before the Trial Court is 12.04.2023 when 04 more prosecution witnesses are likely to be examined. Learned State counsel has also submitted that all the 07 prosecution witnesses while stepping into the witness box had fully supported the case of the prosecution.

I have heard learned counsel for the parties and perused the material placed on record.

Prima facie there are specific allegations levelled against the accused party including the petitioner of having subjected the deceased to continuous harassment ever since her marriage in March, 2015, for not getting enough money etc. The tone and tenor of the suicide note prima facie reflects that the deceased on account of the torture meted out to her ended her life by consuming poison. Since only official witnesses remain to be examined, the trial would not take much time to conclude. This Court, thus, is not inclined to extend the concession of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by learned counsel for the petitioner for directing the Trial Court to conclude the trial expeditiously in view of the long incarceration of the petitioner, who is

a 60 year old woman.

The Trial Court shall make earnest efforts to conclude the trial expeditiously preferably within 03 months from today.

10.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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