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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17290-2023

Date of Decision:- 03.08.2023

Sunita @ Santosh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. R.N. Lohan, Advocate for the petitioner.

Mr. Narinder Singh Behgal, Asstt. AG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Sunita @Santosh has filed the present 2nd petition under Section 439 CrP.C. for grant of regular bail in case FIR No. 591 dated 09.08.2021 under Sections 304-B, 498-A and 34 of IPC, registered at Police Station Barwala, District Hisar.

2. The facts of the case are that Rishi Pal, father of the victim gave his statement that the marriage of his daughter was solemnized with Sumit on 07.06.2020. He had given sufficient dowry at the time of marriage. Out of this wedlock, she gave birth to a son, who is 3 months old. The victim was harassed and maltreated for bringing less dowry by her husband Sumit, brother-in-law Kapil, mother-in-law Santosh and father-in-law Ram Niwas. Whenever she visited her parental house they asked her to bring money. About 1½ months ago there was a major dispute and the victim was brought back in the parental house where she stayed for

10 days. Thereafter, her in-laws family apologized and she was sent back and even then they kept on harassing her. On 08.08.2021, at about 8.30 p.m. the victim called him on telephone and disclosed that she was beaten by her husband - Sumit and brother-in-law Kapil and asked him to take her back. He assured the victim that he will reach in the morning. However, on 09.08.2021 when they were getting ready, he received a call from M.C. Barwala regarding the death of his daughter. They reached the matrimonial home and saw the dead body lying on the bed. The door was open and nobody was present near the dead body. There were marks of injuries on her back, chin and foot sole and handle of spade (*kassi binda*) was lying there. There was no rope on the roof and the fan. With these allegations, the present case has been registered.

3. The learned counsel for the petitioner argued that Sunita @Santosh is falsely implicated in this case. She is behind the bars since 25.08.2021. She is taking care of minor grandchild Tanish who is 01 year 11 months old, staying with her in jail. The statement of complainant has been recorded before the trial Court and one application under Section 319 Cr.P.C. has been filed. She is ready to abide by the terms of bail order. It is prayed that her second regular bail application may be allowed.

4. Status report is filed in which the bail application is opposed by the learned counsel representing the State. It is argued that there are specific serious allegations against the present petitioner. It is a case of unnatural death of the victim within one year and few months of marriage. The statements of other witnesses are yet to be recorded. Therefore, the present petitioner is not entitled to the concession of regular bail.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that first regular bail application of

the present petitioner has been declined in Criminal Miscellaneous M No. 15346 of 2022 vide order dated 06.12.2022. Now the custody of present petitioner is few days less than two years. I have received copy of statement of Rishipal PW-2, the complainant recorded before the trial Court. It is also matter of record that application under Section 319 Cr.P.C. has been filed which is still pending. The present petitioner is staying in jail alongwith the son of deceased victim who is going to be two years old. The schooling of the minor child of the deceased victim is yet to start. Therefore, considering the interest of minor child and the fact that trial of this case is going to take long time, the second regular bail application filed by the petitioner – Sunita @ Santosh is allowed. She is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

03.08.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

Yes/No