

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(208)

2023:PHHC:056517  
CRM-M-18064-2023  
Date of Decision: 21.04.2023

Santra

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.**

Present:- Mr. Raman Chawla, Advocate for the petitioner.

Mr. Kirpal Singh, A.A.G., Haryana.

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**RAJESH BHARDWAJ.J (Oral)**

Learned counsel for the petitioner, at the outset, submits that inadvertently he has mentioned that this is the first petition for grant of regular bail to the petitioner as it was not in his knowledge that petitioner has already approached this court earlier as well. He prays that present petition may be treated as the second petition filed by the petitioner praying for grant of regular bail.

On the oral request made by counsel for petitioner, this court finds that the prayer is genuine and should be accepted. Hence the present petition be read as second petition filed by the petitioner for grant of regular bail.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.314 dated 14.6.2022 under sections 304-B, 498-A, 406, 34 IPC, registered at Police Station, Narnaund, District Hisar.

As per factual matrix, a complaint was lodged on the statement of Krishan son of Phul Chand, wherein it was alleged that he married his

daughter Sonia (deceased) with Jagbir son of Chander Bhan on 5.3.2018. He gave sufficient dowry to his daughter, however, soon after the marriage his daughter was being harassed by her husband, mother-in-law Santra i.e. the present petitioner, sister-in-law for bringing insufficient dowry and to bring a motorcycle. His daughter used to be beaten for dowry also. His daughter was blessed with two daughters who were 3 years and 1 ½ years of age. About 5-7 days prior to the occurrence his daughter came to her parental home and disclosed about the atrocities being faced by her in her matrimonial home at the hands of her in-laws. An evening prior to the incident her daughter talked to her husband and she was under depression. Thereafter, he found that froth was coming from her mouth and hence they immediately shifted her to the Metro Hospital where she was declared dead. It was alleged that his daughter had committed suicide by consuming poison as she was being harassed by her in-laws. A request was made to take legal action against the culprits.

On the basis of the complaint, present FIR was lodged and investigation commenced. Postmortem of the deceased was conducted and statements of the witnesses were recorded. On completion of investigation challan was presented in the court concerned. Petitioner, who is mother-in-law of the deceased was arrested on 28.6.2022. She approached the court of learned Addl. Sessions Judge-cum-Judge, Special Court for Heinous Crime Against Women, Hisar for grant of bail, however, after hearing the parties, the same was declined vide order dated 11.10.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner, who is 70 years of age, has been falsely implicated in the present

case being the mother-in-law of the deceased. He submits the death took place after 4 years of marriage. It is submitted that deceased was not even present in the matrimonial home at the time of occurrence rather she was at her parental home. It is further submitted that the suicide note produced by the prosecution is also planted by the complainant side and the same has not been verified till date. It is submitted that there are every chance that the recovered suicide note is a forged one. Counsel submits that deceased left behind two minor daughters who are at the mercy of their relatives. It is submitted that husband of the petitioner is already paralytic and father of the daughters is also behind bars. Counsel submits that the bald allegations of dowry have been levelled in the FIR and thus the presumption under Section 107 IPC is not attracted in this case and no offence under Section 304-B IPC is made out against the petitioner. It is submitted that in the overall facts and circumstances of the case petitioner deserves to be granted bail.

On the other hand, learned State counsel on instructions from ASI Mahinder Singh has opposed the submissions made by counsel for petitioner. It is submitted that there are specific allegations against the petitioner, who is mother-in-law of the deceased. It is submitted that from the reading of the allegations made in the suicide note complicity of the petitioner is writ large, however, State counsel submits that both the minor daughters of the deceased are presently living with their maternal grandfather (Nana). It is submitted that son of the petitioner is also behind bars. It is further submitted that in all there are 23 prosecution witnesses, however, their examination is yet to commence and the next date before the learned Trial Court is 9.5.2023. It is submitted that petitioner has no

criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner, who is mother-in-law of the deceased is behind bars since 28.6.2022. The deceased committed suicide by consuming poison after about 4 years of marriage. At the time of occurrence deceased was at her parental home. It is submitted that minor daughters of the deceased are with their maternal grandfather (Nana). The father of the minor daughters i.e. husband of the deceased is also behind bars and therefore both the minor daughters are on the mercy of their relatives. There is nothing on record to show that petitioner has any criminal antecedents.

This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**21.04.2023**

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |