

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 206

Criminal Miscellaneous No.M-21537 of 2022

Date of Decision: January 05, 2023

Nirmla Devi

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

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

...

PRESENT: - Mr. Dhruv Gupta, Advocate for the petitioner.

Ms. Ankita Ahuja, Assistant Advocate General, Haryana.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 187 dated 07.05.2019 under Sections 307, 34, 498-A IPC (Sections 307 IPC deleted & 302 IPC added later on) registered at Police Station Baldev Nagar, District Ambala (Annexure P-1), who, being mother-in-law, was summoned as additional accused by the trial Court under Section 319 Cr.P.C. vide order dated 26.08.2021 (Annexure P-2).

Learned counsel for the petitioner submits that the FIR in question was lodged ten years after the marriage. In the dying declaration of deceased recorded on 08.05.2019, no specific role was attributed to the petitioner. She was found innocent by the police, and challan was filed only against the deceased's husband. The other co-accused

Sanjeev Kumar @ Chandi Ram (brother-in-law) and Seema (sister-in-law) of the deceased have already been admitted to pre-arrest bail. The petitioner is an old lady of 69 years and is in custody since 07.12.2021.

Learned State counsel opposes grant of bail to the petitioner on the ground that she has been named in the dying declaration.

It has been informed that none of the prosecution witnesses has been examined so far pursuant to summoning of the accused under Section 319 Cr.P.C. Therefore, conclusion of the trial will take long time and no useful purpose will be served by confining the petitioner, who is an old lady, in custody during pendency of the trial.

In view thereof, this Court deems it appropriate to admit the petitioner to regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. Ordered accordingly.

The petition stands allowed.

(Tribhuvan Dahiya)
Judge

January 05, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No