

2023:PHHC:144242

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

CRM-M-32856-2023

Date of Decision: 14.11.2023

RAJBALA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajesh Lamba, Advocate, for the petitioner.
Ms. Ankita Ahuja, Assistant Advocate General, Haryana.
Mr. Abhishek Goyal, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 332 dated 09.05.2022 under Sections 304-B/498-A/34/406 IPC registered at Police Station Sector-58, District Faridabad.

2. Custody certificate and status report by way of affidavit of Sudhir Taneja, Assistant Commissioner of Police Mujessar, District Faridabad have been placed on record.

3. Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased. The marriage of the son of the petitioner with the deceased was solemnized on 19.06.2020. The FIR was registered against five persons. The challan has been presented only against the petitioner and her son and the other three relatives have been found to be innocent. During the course of proceedings, an application under Section 193 Cr.P.C. was moved and the same has been dismissed on 19.10.2023. The charge has been framed under Section 304-B IPC and in the alternative under Section 302 IPC. The prosecution intends to examine 16 witnesses. The petitioner is in custody for a period of 01 year, 05 months and 23 days and conclusion of trial is likely to take some time. Moreover, the allegations are with regard to

demand of Rs.50 lac in choochak have been attributed jointly against the

petitioner and her son. It has also been alleged that the deceased was being harassed on the score that, she had not given birth to a son and cruelty, if any, meted on that score may not attract the penal provisions of Section 304-B IPC.

4. Learned State counsel and counsel for the complainant have opposed the bail application on the score that there were injuries on the person of the deceased which indicate that she was given severe beatings. The cause of the death is hanging. The death has occurred otherwise than the normal circumstance within a period of two years from the date of marriage. The deceased had left behind 09 months old child, who is in the custody of the complainant. There are allegations with regard to demand of Rs.50 lac in choochak ceremony.

5. It is significant to note that the petitioner is the mother-in-law of the deceased. No specific allegation exclusively against the petitioner has been attributed with regard to demand of cash. The petitioner is in custody for a period of 01 year, 05 months and 23 days and not involved in any other case. The examination of witnesses is yet to commence. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

14.11.2023
smriti

(VIVEK PURI)
JUDGE

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