

**203/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-40602-2022 (O&M)
Date of Decision: 21.11.2023**

SHITA DEVI

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Harsh Chopra, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 308 dated 10.07.2022 under Sections 306, 34 IPC, registered at Police Station City Tohana, District Fatehabad, Haryana.

2. In terms of the order dated 09.11.2022 directions were issued that no coercive action be initiated against the petitioner, who is a middle aged lady. Thereafter, on 24.07.2013, following order was passed by the Co-ordinat Bench:

“At the request of learned proxy counsel for respondent No. 2, adjourned to 16.11.2023.

Interim order to continue.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation.”

3. Briefly, the FIR has been registered on the allegations that the marriage of the deceased was solemnized with the son of the petitioner on 04.09.2016 and a daughter has been born from the wedlock. The FIR has been registered at the instance of the brother of the deceased alleging that the petitioner along with her son had been taunting the deceased on petty

issues. The son of the petitioner had been consuming alcohol and the petitioner had been supporting him. The deceased was also being taunted on the score that she has not been blessed with a son. On 10.07.2022, the deceased had committed suicide by hanging.

4. Learned counsel for the petitioner contends that the deceased had not recorded any suicide note and even no complaint was submitted either by the deceased or any member of her parental family against the petitioner during her lifetime. The deceased was running pregnancy and missed abortion took place on 01.05.2022. The deceased went under depression on account of abortion and committed suicide. The deceased is having a daughter aged about 6 years, who is presently being looked after by the petitioner. There is no allegation with regard to demand of dowry or harassment meted out to the deceased on that score. In pursuance of the interim directions, the petitioner has joined the investigation.

5. Learned State counsel, on instructions from SI Dhanraj, has submitted that the petitioner has joined the investigation and her custodial interrogation is not required.

6. Learned counsel for the complainant has opposed the bail application on the score that the petitioner had submitted incorrect affidavit to the effect that she was residing separate from the family of the deceased and her husband. The matter has been enquired by the Police authorities and it had emerged that there is a common kitchen, toilet and bathroom in the house where the petitioner and the deceased had been residing.

7. It may be mentioned here that even in the order passed by the Court of Sessions vide which bail application of the petitioner has been

dismissed, it has been observed that the petitioner and the deceased were having separation ration cards. The controversy as to whether the deceased and the petitioner had been residing separate from each other will be a debatable and moot point during the course of trial. There are general and vague allegations to the effect that the petitioner and her son had been harassing the deceased on petty issues and the deceased was being harassed as she was not blessed with a son. The abortion took place about 2 months prior to the occurrence. The deceased had not recorded any suicide note. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and her custodial interrogation is not required.

8. For the aforesaid reasons, the petition is allowed and it is directed that in the event of arrest, the petitioner be released on bail to the satisfaction of the arresting officer and this order shall be further subject to the condition that the petitioner abides by the conditions as stipulated under Section 438(2) of the Cr.P.C.

21.11.2023

Janki

**(VIVEK PURI)
JUDGE**

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