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2023 : PHHC : 120028

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39559-2023

Date of Decision: 13.09.2023

RAJESH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen S. Attri, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 06 dated 07.01.2022 under Sections 304-B, 34 IPC, registered at Police Station Saha, District Ambala.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the marriage of the son of the petitioner was solemnized with the deceased on 18.05.2020. The cause of death in the instant case is stated to be hanging. The occurrence allegedly took place on 06.01.2022. The allegations against the petitioner and the co-accused are to the effect that the husband and father-in-law of the deceased had raised demand of car. The only allegation against the petitioner is to the effect that she had been raising demand of dowry. The allegations qua the petitioner are vague and there is nothing to indicate that any specific article was demanded by her. The petitioner is in custody for a period of 1 year, 8 months and 3 days and till date no witness has been examined.

4. Learned State counsel has opposed the bail application on the score that the name of the petitioner has been specifically and categorically mentioned in the FIR. Furthermore, the charge in the instant case was framed on 24.05.2023 and out of 16, no witness has been examined till date.

5. It is significant to note that there is no specific allegation attributed against the petitioner with regard to demand of any article of dowry. The petitioner is the mother-in-law of the deceased and is in custody for a period of 1 year, 8 months and 3 days and not involved in any other case. Till date no witness has been examined by the prosecution. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

13.09.2023

Janki

(VIVEK PURI)
JUDGE

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