

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48352-2023
Date of decision: 7th December, 2023

Sudesh Bala

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Brijender Kaushik, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
94	27.05.2023	Jathlana, District Yamuna Nagar, Haryana	304-B read with Section 34 of Indian Penal Code, 1860

2. The brief facts of the case relevant for the purpose of disposal of this petition are that on 27.05.2023, on receipt of an information regarding admission of one Sakshi resident of village Alahar in Raj Hospital, Yamuna Nagar as a case of consumption of poison, a police party headed SI Younis Ali reached there, wherein information was given about the death of the above named Sakshi. The aforementioned FIR was registered on the basis of statement of Babli Ram, father of the victim, who alleged that the victim was got married with Sachin Kumar on 06.02.2017. She had given birth to a

female child on 07.11.2019 and thereafter, her husband Sachin Kumar and other members of her in-laws family including the petitioner who is her mother-in-law had started taunting her on account of giving birth to a girl child. They used to taunt her by saying as to who would bear the expenses of the girl child and coaxed her to bring money from her parents for the expenses of her daughter. The complainant alleged that whenever his daughter used to visit him, money and clothing etc. were given to her. He further alleged that on 26.05.2023, the victim had made a call on the phone of his son Aniket intimating that she was harassed by her in-laws who were raising demand of dowry and requested him to make arrangement for some money and then he had received information about her death. On the basis of his statement, a case under Section 304-B read with Section 34 of the Act was registered. Investigation proceedings were initiated. During investigation, the present petitioner and the co-accused Sachin were arrested. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court. Presently, the petitioner alongwith co-accused is facing trial for commission of the aforementioned offences.

3. This petition has been filed by the petitioner on the ground and it has been argued by her counsel that she has been falsely implicated in this case. She is in custody since 05.06.2023. Vague and general allegation qua demand of dowry has been raised against the petitioner and her family members. In fact, the daughter of the victim was born with unnatural cancerous growth in her abdominal area and was getting treatment for forth stage cancer from PGIMER, Chandigarh and was being administered chemotherapy. The victim could not bear the trauma suffered by her only

child and was under depression which led to commission of act of suicide by her. The release of petitioner on bail was required for the purpose of taking care of her grand daughter which was to be taken to hospital every other day for treatment and was presently looked after by her husband and son-Rohit. He has further argued that neither the complainant nor PW2-Aniket who is son of the complainant have implicated the petitioner in the commission of offence punishable under Section 304-B of the Act. No useful purpose would be served by keeping her in custody. Hence, it is argued that the petition deserves to be allowed.

4. *Per-contra*, learned State counsel has argued that there are serious allegations against the petitioner and she does not deserve to be given concession of bail.

5. The petitioner alongwith her son i.e. husband of the victim is alleged to have caused dowry death of the victim who had consumed some poisonous substances. The complainant-Babli Ram and his son Aniket have since been examined by the prosecution before learned trial Court, copies of their sworn statements have been placed on record which shows that neither of them have implicated the present petitioner in the commission of the offence for which she has been charge-sheeted. Rather both of them have stated that the victim was suffering from depression due to illness of her daughter and that is why she had committed suicide. They have denied that victim was harassed on account of any demand of dowry. The petitioner is in custody since 05.06.2023.

6. Considering the fact that conclusion of trial is likely to take time, keeping in view the period spent by the petitioner in custody, the nature of evidence which has come on record and the attendant facts and

circumstances of the case, I am of the considered opinion, that the petition deserves to be allowed at this stage.

7. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main case has been disposed of, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th December, 2023
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No

