

2023:PHHC:064807

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

CRM-M-59073-2022

Date of Decision: 05.05.2023

MUNNI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 181 dated 09.10.2021 under Sections 302/498A/34 IPC registered at Police Station Behal, District Bhiwani.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the marriage of the deceased Kavita was solemnized with Vikas, the son of the petitioner. The marriage of elder sister of the deceased was also solemnized with another son, namely, Vikas of the petitioner. The marriage was solemnized in the year 2012. The occurrence took place on 08.10.2021, after a lapse of period of about 9 years. The FIR has been registered on the basis of the statement of the father of the deceased alleging that the petitioner alongwith her both the sons, husband and two neighbourers had committed the murder of the deceased and her children. During the course of investigation, the offences have been converted under Sections 306 and 498-A read with Section 34 IPC. The challan was presented against the petitioner and her son Sunil and the other accused named in the FIR were found to be innocent. Sunil has been granted regular bail by the learned trial Court. The petitioner is in custody for a period of 01 year, 06 months and 09 days and not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that the deceased had jumped into well alongwith her three children. Kavita, the deceased, alongwith two minor children had died and the son, Raman, survived. Prior to commission of suicide, the deceased had recorded a video footage on the mobile phone and made viral, wherein, she levelled allegations against the petitioner for abetment to commit suicide. It has been further submitted that an application under Section 319 Cr.P.C. has been moved and the same is still pending adjudication in the trial Court.

5. It is significant to note that the petitioner is in custody for a period of 01 year, 06 months and 09 days. Although, initially the FIR was registered on the basis of the statement of the father of the deceased attributing allegations of commission of murder and raising demand of dowry but subsequently, the offence has been converted to Section 306 IPC. The marriage of the deceased was solemnized about 09 years prior to the occurrence. The transcript of the video footage which is stated to be of 25 second duration has been read over by the learned State counsel in the Court. The evidentiary value of such a video footage will be a subject matter of adjudication before the trial Court.

6. Keeping in view the period of incarceration undergone by the petitioner and the other circumstances emerging on record, 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/Illaq Magistrate/Duty Magistrate.

05.05.2023
smriti

(VIVEK PURI)
JUDGE

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