

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

CRM-M-57121-2023

Date of Decision: 20.11.2023

KIRAN BALA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 34 dated 21.03.2020 under Sections 304-B, 120-B IPC, registered at Police Station Bhadson, District Patiala.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that the petitioner is the mother-in-law of the deceased. The marriage of the deceased and her sister Harleen Kaur was solemnized with two sons of the petitioner namely Sandeep Kumar and Ravinder Kumar, respectively. The deceased was blessed with a daughter who was aged about 8 months at the time of occurrence. Harleen Kaur was blessed with a daughter who was aged about 1 month at the time of occurrence. The marriage was solemnized about 2 years prior to the occurrence. There are general and vague allegations levelled against the petitioner and other family members with regard to demand of Rs. 1 Lakh on account of household expenses. There is no specific attribution against the petitioner. The petitioner is in custody for a period of 3 years, 7 months and 27 days and not involved in any other case.

4. Learned State counsel has opposed the bail application on the

score that the the death has occurred otherwise than under normal circumstances within a period of 2 years from the date of marriage. There is allegation with regard to demand of Rs. 1 Lakh attributed against the petitioner and other family members. The cause of death is stated to be hanging. Out of 19, only 2 witnesses have been examined.

5. It is significant to note that the petitioner is in custody for a period of 3 years, 7 months and 27 days. There are allegations with regard to demand of Rs. 1 Lakh on account of household expenses attributed against the petitioner and the co-accused. The genuineness of the version is to be adjudicated during the course of trial. The petitioner is the mother-in-law of the deceased. Still 17 witnesses remain to be examined. There is nothing to indicate that the delay in recording the prosecution evidence is attributable to the petitioner. 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.

20.11.2023

Janki

(VIVEK PURI)
JUDGE

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