

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

213

**Criminal Misc. No. M-59169 of 2022**

**Date of decision :-18.08.2023**

**Meena Devi**

**.....Petitioner**

**Versus**

**State of Haryana**

**.....Respondent**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ravinder Malik (Ravi), Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana assisted by  
Inspector Kewal Singh, CIA-I, Yamunanagar.

Mr. D.S. Virk, Advocate  
For the complainant.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.654 dated 27.9.2022, under Section 306 IPC, registered at Police Station Krishna Gate, Thanesar, Kurukshetra.

The FIR has been lodged by the complainant, who is brother of the deceased, with the allegations that marriage of his deceased sister Aarti Devi was solemnized with accused Harish Kumar on 06.12.2014. It is alleged in the complaint that the petitioner herein alongwith her co-accused son Harish Kumar, younger son Arvinder alongwith her wife Neelam and youngest son Sachin used to harass the deceased after two years of marriage for

bringing less dowry. It is further stated that on 26.9.2022, a phone call was received on the mobile phone of brother of the complainant, Ravi, at about 01.12 AM from the deceased, who had stated that she was being given beatings by her husband, the present petitioner and her younger brother-in-law for bringing less dowry and on the very next day, his deceased sister was found dead in the hall room of her matrimonial home.

Learned counsel for the petitioner has *inter alia* submitted that the petitioner is 53 years old mother-in-law of the deceased and the complainant in the present case is brother of the deceased. It is submitted that the petitioner and the unmarried brother-in-law of the deceased were residing separately from the deceased and her husband. It is submitted that two children were born out of the wedlock of the deceased and co-accused Harish Kumar, who are now in the care and custody of the daughter of the petitioner. It is submitted that the allegations against the petitioner are that she used to beat the deceased. However, the MLR shows that there was no injury on the person of the deceased at the time of death. It is submitted that the petitioner is in custody since 29.9.2022 and the material witnesses have been examined. Learned counsel submits that in view of the above, no useful purpose will be served by keeping the petitioner further in custody, who is an old aged lady.

*Per contra* learned State counsel has filed the custody certificate dated 17.8.2023 of the petitioner. The same is taken on record. Copy thereof is supplied to the counsel opposite. As per the custody certificate, the petitioner has been in custody for a period of

10 months and 19 days. Learned State counsel with the assistance of learned counsel for the complainant opposes the bail application and submits that out of total 17 prosecution witnesses, three witnesses have been examined. The complainant has supported the prosecution case. He submits that as per Post Mortem Report, four injuries have been found on the body of the deceased.

However, perusal of the Post Mortem Report (Annexure R-1) does not show any injury.

I have heard learned counsel for the parties and gone through the case file carefully.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time as out of total of 17 prosecution witnesses, three have been examined so far; the petitioner is stated to have been living separately from the matrimonial home of the deceased and her son Harish Kumar, who is co-accused in the present case; and keeping in view the custodial period of the petitioner, who is an old aged lady, her further custody may not be justified. Therefore, without meaning 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

August 18, 2023  
Vijay Asija

**( NIDHI GUPTA )**  
**JUDGE**

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