

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

**CRM-M-60879-2022
Date of Decision : 20.01.2023**

Tripta Devi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

Ms. Amanpreet Kaur, Advocate
for Mr. Atul Goyal, Advocate
for the complainant.

VIKRAM AGGARWAL, J (ORAL)

Prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0072 dated 24.08.2022, registered under Section(s) 304-B, 34 IPC, at Police Station Talwara, District Hoshiarpur.

The marriage of Suresh Kumari was solemnized with Amit Kumar, son of the present petitioner, on 26.06.2021. Suresh Kumari unfortunately expired on the intervening night of 23/24.08.2022. On a complaint having been submitted by her father namely Teja Singh, the FIR in question was registered under Section(s) 304-B, 34 IPC. The allegation was that the accused Amit Kumar and Tripta Devi, who are husband and mother-in-law of the deceased, used to give frequent beatings to Suresh Kumari on account of her having brought insufficient dowry. Suresh Kumari is stated to have been admitted in hospital for 10 days prior to her unfortunate demise.

Learned counsel for the petitioner states that the petitioner is in custody since 24.08.2022; final report under Section 173 Cr.P.C. has been submitted; the trial will take a sufficiently long time and no useful purpose will be served by keeping the petitioner in custody any longer. He also states that the parties have now arrived at a compromise and has placed reliance upon a compromise deed dated 19.12.2022 (Annexure P-6). It has been submitted that the father of the deceased had some misunderstanding and now he has admitted that the death was not on account of the torture meted out to deceased Suresh Kumari by the petitioner and her son. Learned counsel has also submitted that even as per the postmortem report, the cause of death is Aspiration Pneumonia and no injury was found on the person of the deceased.

Learned counsel for the complainant admits that a compromise has been arrived at between the parties.

On the other hand, learned State counsel has opposed the present bail petition stating that the crime committed by the petitioner is of a serious nature and since the trial is yet to begin, if the petitioner is released on bail she may try to influence the witnesses. Learned State counsel, on instructions from ASI Gurvinderjit Singh, Police Station Talwara, District Hoshiarpur, has submitted that there is no information about a compromise having been arrived at between the parties. He also admits that the final report under Section 173 Cr.P.C. has been submitted on 21.10.2022 and the case has been committed to the Court of Sessions, though charges have not yet been framed.

I have heard learned counsel for the parties.

The factum of a compromise having been arrived at between the parties is of no consequence in a matter of this nature and especially at this stage. However, final report under Section 173 Cr.P.C. is stated to have been filed on

have not been framed as of now. The petitioner, who is the mother-in-law of the deceased is in custody since 24.08.2022. Almost five months have elapsed. The main accused i.e. the husband of the deceased is in custody. As to whether she has committed the offence or not shall be determined on the conclusion of the trial. No useful purpose would be served by keeping her in custody any longer.

In view of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(VIKRAM AGGARWAL)

JUDGE

20.01.2023

mamta

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