

CRM-M-8030-2024 (O&M)

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:109620



CRM-M-8030-2024 (O&M)
DATE OF DECISION : 27.08.2024

KAMLA DEVI ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Ashish Yadav, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 254 dated 07.06.2023 under Section 304-B/34 IPC and in alternate charges under Section 302/34 IPC, registered at Police Station Sadar Sirsa, District Sirsa.
2. Custody certificate dated 25.08.2024 filed by the State counsel has been taken on record. As per the custody certificate, the petitioner has undergone 01 year and 05 days of custody.
3. Reply on behalf of the complainant has also been taken on record.
4. I have heard the learned counsel for the parties.

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5. As per the allegations against the petitioner, the petitioner is mother-in-law of the victim. The marriage of the son of the petitioner and the victim was solemnized on 21.06.2021 and the victim died on 07.06.2023 within a period of 2 years after her marriage. It is in allegation against the petitioner that she along with her son used to harass the victim for demand of dowry. The victim died by consuming some poisonous substance. The postmortem of the deceased was conducted on 08.06.2023 as per the postmortem report (Annexure P-4). The son of the petitioner is also in custody. As per the status-report, after the postmortem examination, the samples were sent to Forensic Science Laboratory on 21.06.2023 and 24.07.2023 and the report is still awaited. However, as per the status report, the investigation is complete and challan/final report under Section 173 Cr.P.C. has been presented against co-accused Ajay Kumar and Rameshwar Dass and thereafter, the petitioner was arrested on 21.08.2023 and supplementary challan/final report under Section 173(8) Cr.P.C. has been submitted against the petitioner under Sections 304-B, 34 IPC on 02.09.2023. The charges have been framed.

6. Though the unfortunate facts are that victim has died within a period of 2 years from the date of marriage, however, the petitioner is female, aged 52 years who has undergone more than 01 year of custody and there are 20 witnesses and none of whom have been examined so far. Learned counsel for the petitioner has also shown the copy of the order dated 31.07.2024 which reflect that PWs Partap and Smt. Pisto did not appear and an application was moved for exemption from their personal appearance. As per the order dated 02.08.2024 passed by the trial Court, 3 private witnesses

were served but they did not appear and they were ordered to be summoned

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through bailable warrants. Even as per order dated 05.08.2024, the PWs were ordered to be summoned through bailable warrants. The conclusion of the trial is going to take time.

7. The investigation is complete and the challan/final report under Section 173 Cr.P.C. has been presented in the Court. Charges have been framed. The petitioner is a female aged 52 years and in custody for a period of more than one year. The conclusion of trial is going to take time. Without expressing any opinion on the merits of the case and in view of these facts and circumstances, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Pending miscellaneous application(s), if any, shall stand disposed of.

27.08.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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