



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

232

**CRM-M-15572-2024 (O&M)
Date of Decision : 13.05.2024**

SAROJ Petitioner

VERSUS

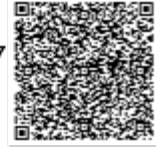
STATE OF HARYANA Respondent

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohit Rathee, Advocate for the petitioner.
Mr. Saurabh Girdhar, AAG Haryana for the respondent.

ALKA SARIN, J. (ORAL)

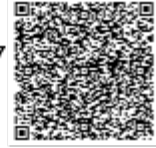
1. The present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.160 dated 17.05.2022 under Sections 498-A, 304-B (Section 304-B converted into 304-II and Section 498-A deleted later on), Section 314 read with Section 34 of the Indian Penal Code, 1860 and Sections 23 and 25 of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 registered at Police Station Badli, District Jhajjar. The first petition being CRM-M-49076-2023 was dismissed as withdrawn vide order dated 08.12.2023.
2. The brief facts relevant to the present case are that the FIR was registered on the complaint of the father of the deceased wherein he alleged that the marriage of his daughter was solemnized with son of one Neelam. He gave sufficient dowry but Neelam and her husband used to maltreat her



for bringing insufficient dowry and demanded more dowry. On 17.05.2022 he received a message from the husband of Neealm that his daughter had fallen ill and when he reached the matrimonial home of his daughter, he found that she was already dead. He suspected that she had been killed.

3. Learned counsel for the petitioner would contend that the petitioner was not named in the FIR and that she was nominated in the present case on the disclosure statement of Neelam and Ruby. It is further the contention that Neelam, on whose disclosure statement the present petitioner was nominated, has already been granted the concession of regular bail by this Court vide order dated 15.09.2023 passed in CRM-M-35976-2023. Learned counsel would further contend that the petitioner is an old and illiterate lady who does not know the technique of abortion and has falsely been implicated in the present case. It is further the contention that the petitioner has been in custody for a period of 1 year 11 months and 1 day and that all the material witnesses i.e. PW-1 to PW-6 have since been examined and they have not supported the prosecution version.

4. Learned counsel for the State has filed the status report by way of an affidavit dated 04.05.2024 of Shubham Singh, IPS, Assistant Commissioner of Police, Badli, District Jhajjar. The same is taken on record. Learned counsel for the State would contend that the petitioner played an active role in determining the sex of the fetus and in carrying out the illegal abortion. Custody certificate has been filed and as per the custody certificate,



the petitioner has been in custody for a period of 1 year 11 months and 1 day.

5. Heard.

6. In the present case the petitioner was not named in the FIR and was nominated on the basis of the disclosure statement of Neelam and Ruby (daughter-in-law). Neelam has since been enlarged on bail by this Court vide order dated 15.09.2023 passed in CRM-M-35976-2023. Material witnesses i.e. PW-1 to PW-6 have since been examined and they have not supported the prosecution version. The petitioner has been in custody for a period of 1 year 11 months and 1 day. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.



10. Disposed off. Pending applications, if any, also stand disposed off.

13.05.2024

Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No