



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-30713-2024

Date of decision: September 9th, 2024

Darshana Devi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shivansh Malik, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a fourth petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.138 dated 10.04.2021 under Sections 498-A, 304-B, 34, 201 of the Indian Penal Code, 1860 (charges under Section 302 IPC were alternatively framed) registered at Police Station IMT, Rohtak.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 11.04.2021 and till date, the trial has not concluded as 74 prosecution witnesses still remain to be examined. It has still further been submitted that all material witnesses including the complainant not only stand examined but did not also support the case of the prosecution during trial, as a result of which they were declared hostile. Learned counsel has, therefore, prayed for extending the concession of bail to the petitioner, who is a 59 year old lady, and was alleged to be the adopted mother-in-law of the deceased.

3. *Per contra*, learned State counsel while vehemently opposing the prayer and submissions made by counsel opposite, on instructions, has not been able to dispute the stage of trial and also that the material witnesses while stepping into the witness box had been declared hostile before the trial Court. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR and reiterated that the deceased soon before she hanged herself to death, had confided in the complainant that she was being subjected to both, physical and mental torture by her husband as well as her adopted mother-in-law i.e. the present petitioner. The contents of the FIR are reproduced hereinunder:-

“To the SHO PS IMT Rohtak Sir it is requested that I Sunita wife of Jogender alias Kala son of Kitab Singh I am resident of village Raichandwala, Jind My parental village is in Kormari Karmarup Okam Assam/I was married 9 years ago with above Joginder. My aunt bua Namita's niece Junu alias Annu daughter of Umaram Prasad r/o Village Niar, PS Boko, District Guwahati Assam, regarding whose marriage my aunt told me and my husband and requested us to get her married. My husband Joginder alias Kala mentioned in his relations regarding this, then my husbands sister Saroj wife of Rohtash resident of Ridhana, and my elder sister in law Santosh, whose husband works in Guwahati, Assam went to Assam and I had also gone to my parental village. There was a conversation between Namita and Santosh about the marriage of Junu and Bijender alias Pappu son of Anar Singh, resident of Chuliana son of the sister of Santosh. After the conversation, Santosh, junu and I came to Delhi. Santosh told me that get them married in the temple and later on I came to know that Bijender and Junu got married on 15.03.2021. After the marriage, Jun and Bijender came to meet us at our house, after a few days of marriage and Junu and I were in a separate room, then

Junu told me that Bijender drinks a lot of alcohol and beats me after drinking alcohol. If I stop him, then his adoptive mother Darshana wife of Anar Singh also joins with him and beats me and taunts me for working. I am very upset with their behavior. On 08.04.2021, Santosh and Bijender's sister Parmila, her husband Satish, resident of Mandhoti, at present HL City Bahadurgarh came to our house and Junu again told that I do not want to live there, Bijender and his are harassing me a lot. We convinced Junu and sent her back to Village Chuliana with him. On 09.04.21, I got a call from Pramila on my mobile in the afternoon that Junu has hanged herself, on which information I and my husband Joginder, reached Village Chuliana, on reaching we came to know that Junu had hanged herself being disturbed by the torture of Bijender and his mother Darshana, who had died and Bijender and his mother Darshana made a plan after Junu hanged herself, they put her dead body in a car and with intention to screen evidence had thrown it in the running canal near dighal. Her mother in law Darshana had told all these things on repeated asking by me and my husband and said that I had made a mistake I took such a step due to deception by my son and committed this mistake Whosoever is involved in the death of Junu my sister in kinship legal action be taken against all of them."

4. On a pointed query put to the learned counsel as to whether the petitioner has any criminal antecedents, he, on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody for almost 3½ years having been arrested on 11.04.2021. The trial would still take some time to conclude. Further incarceration of the petitioner in the aforementioned facts and circumstances would, therefore, serve no useful purpose.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 9th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No