

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC:108818



CRM-M-35798-2024 (O&M)
DATE OF DECISION : 22.08.2024

SANTOSH ... PETITIONER
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Gautam Kaile and Ms. Poonam Saroya, Advocates
for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case bearing FIR No. 101 dated 24.03.2024 under Sections 306, 34 IPC registered at Police Station Madhuban, District Karnal.
2. As per the prosecution version on 24.03.2024, an information was received from the hospital regarding the admission of the victim. However, when the Investigating Officer reached there, the victim was declared unfit to make a statement as she was having 90% burn injuries. The case was registered on the basis of the statement of the father of the victim who alleged that the marriage of the victim was solemnized with Vijay Kumar, co-accused of the petitioner about 15-16 years ago and there are two children out of the wedlock. After the marriage, the husband of the victim used to demand money from the parents of the victim. The son of the victim

was having some medical issues and a huge amount was spent for his medical expenses. Several Panchayats were held but the husband of the victim did not mend his ways and continued beating her. The victim informed her father that her husband has broken her phone and beaten her. On 24.03.2024 at around 2:45 A.M., the complainant received a call from the husband of the victim that the victim was 90% burnt in the fire. On 28.03.2024, the victim died in PGI, Chandigarh. The post-mortem examination of the deceased was conducted and thereafter, offence under Sections 323, 307, 406 and 498-A IPC were deleted and Section 302 IPC was added. During investigation, it was also found that the son of the victim was suffering from mental retardation since childhood. As per the status report, during the investigation, offence under Section 302 IPC was deleted and offence under Section 306 IPC was added and after completion of the investigation, challan/final report under Section 173 Cr.P.C. was presented.

3. Learned counsel for the petitioner contends that petitioner is 65 years of age and there are no allegations of abetment to commit suicide. All the incriminating articles have already been recovered by the Police at the time of inspection of the spot. The petitioner is innocent and she is ready to join the investigation. Petitioner is the mother-in-law of the deceased-victim. It is not disputed that the petitioner was residing in the same house, however, the death of the victim took place in the house. However, it is contended that the petitioner is not in any way connected with the death of the victim.

4. Referring to the status report, learned State counsel contends that there was a dispute *inter se* the parties even prior to the alleged

occurrence. The victim made a complaint to the police against her husband and against her in-laws which was compromised on 23.07.2021, as per Annexure R-3. It is further informed that a minor child of the victim is mentally challenged and the 2nd girl child of the victim who is also minor, is residing with the relatives. Reference has also been made to Annexure R-2 reflecting the alleged conversation between the father of the victim and the son of the petitioner. It is contended that the said conversation reflects that the victim was not even allowed to meet or talk to her father prior to the occurrence.

5. I have considered the aforesaid contentions and perused the record.

6. In view of the evidence collected during investigation, the allegations against the petitioner are serious in nature. The victim was residing in the same house where the petitioner was residing. The body of the victim had 90% burn injuries. One child was mentally challenged and the second child was residing with the relatives. There are peculiar facts and circumstances of this case and the petitioner could not make out a case for granting her the concession of anticipatory bail. Consequently, the present petition stands dismissed.

22.08.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No