



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.36497 of 2024
Date of Decision: 15.10.2024

Kavita ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Sumit Sangwan, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
53	20.03.2024	Badhra, District Charkhi Dadri	306, 34 and 506 of IPC

2. The adumbrated facts emanating from the record are that the complainant Mahender Singh lodged a complaint on 20.03.2024 alleging therein that the petitioner who is wife of his brother Jogender was having illicit relationship with co-accused. Sonu. She eloped with him on 11.03.2024 and a complaint in this regard had been filed by Jogender at

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the police station. He alleged that the petitioner and co-accused Sonu had been harassing his brother Jogender for quite sometime and on account of the harassment meted out at their hands, his brother Jogender committed suicide on the same day by consuming some poisonous substance. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim were conducted. The petitioner was arrested on 27.04.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that she is in custody since 27.04.2024. She has been falsely implicated in this case. She had no relations with the co-accused Sonu Singh. Rather it was her husband who was a short tempered person and on the fateful day, he had assaulted her and inflicted grievous injuries upon her person with an axe and thereafter committed suicide. At the time of her arrest, she was under treatment. She had sustained fracture of right parietal bone and several other injuries at the hands of the deceased. These injuries were dangerous to her life. The deceased was a mentally disturbed person. His suicide had not been abetted by the petitioner rather she herself was a victim. Her husband committed suicide under the fear that he would be prosecuted for making an attempt to kill the petitioner. She has two small children. Her further detention would not serve any purpose. The trial is likely to take time. No useful purpose would be served by detaining her in custody any more. The co-accused Sonu had been extended benefit of anticipatory bail. Therefore, it is urged that she deserves to be released on bail.

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4. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that there are serious allegations against the petitioner as she mentally tortured her husband on account of her illicit relationship with the co-accused Sonu. The trial might be expedited. The victim had left a suicide note holding the petitioner and co-accused liable for his suicide. Therefore, it is urged that the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have abetted suicide by her husband Jogender on 20.03.2024. Annexure R-2 is copy of suicide note stated to be left by the victim and a bare perusal of the same reveals that the victim had written in this note that he had inflicted injuries with an axe on the person of the petitioner as she along with Sonu Singh had been extending threats to kill him and had eloped with his minor daughter and due to that reason, he was consuming sulfas tablets. It is a matter of trial as to whether the allegations qua abetting suicide of her husband have been made out as against the petitioner or not since it is a debatable question. The petitioner is in custody since 27.04.2024. She has placed on record certain photographs showing that on the day of incident, she herself has been assaulted by the victim and sustained several injuries including fracture of right parietal bone. Keeping in view the period of incarceration of the petitioner, the nature of the allegations levelled against the petitioner and the above discussed facts and circumstances but without meaning to make any comment on the merits

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of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to her furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

15.10.2024
Parveen Sharma

(MANISHA BATRA)
JUDGE

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