

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:037896

CRM-M-40206-2023 (O&M)

Date of Decision:- 15.03.2024

BIMLA

....Petitioner.

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sunil Chaudhary, Advocate for petitioner.

Mr. Deepak Grewal, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Bimla has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.192 dated 16.04.2022, under Sections 307, 315, 498-A, 201, 308, 323, 342, 316, 506, 325 & 34 IPC, 1860 (Sections 307, 315 deleted later-on and Sections 316, 201, 308 & 325 IPC added later-on), registered at Police Station Tosham, District Bhiwani, Haryana.

2. The facts of the case are that a written complaint was received in the Office of SSP, Bhiwani where the complainant Aarju stated that her marriage was solemnized with Sahyog on 02.05.2021. Her husband and in-laws families were unhappy with the dowry articles. Her husband was working in Air Force. They were expecting a Car in dowry. She was taunted that even a motorcycle was not given at the time of marriage. In

October, 2021 she was taken to the place of posting of her husband at Sri

Nagar where her in-laws namely Bimla and Jai Narain also accompanied her. Her husband snatched her mobile phone. She was not permitted to talk to her parents. She was ill treated by her husband and in-laws. On 07.02.2022 at about 7.30 pm she was beaten up by her husband at the instigating of her father-in-law and mother-in-law. She was given kick blows and ultimately she was pushed from third floor of the government accommodation. She became unconscious. She regained consciousness in the hospital. Her husband told her uncle Om Parkash that he would receive a call from military hospital and he should told them that the complainant had fallen due to low B.P. and slip by chance, otherwise her husband would loose his job. After discharge from the hospital she was brought to Ghaziabad where her husband was transferred. Her mother and grand-mother came to meet her and finally she got a chance to disclose everything to her mother. On 15.03.2022 her uncle Om Parkash and other relatives came and brought her back to their native village Sidhan. She was ill treated in the matrimonial home on account of demand of dowry. She was beaten up and due to the incident of fall from third floor she suffered miscarriage. With these allegations, present FIR has been registered.

3. Learned counsel for the petitioner argued that Bimla is mother-in-law who was arrested on 20.10.2022 and since then she is behind the bars. The challan is already presented and the statement of complainant has been recorded, which is Annexure P-19. The allegations are false and without any basis. She was discharged from the hospital on 24.02.2022. In fact she is a short tampered lady and suffering from depression. The allegations are false and concocted. The present petitioner is already facing trial. She will abide by the terms of bail order. Therefore, her

regular bail application may be allowed.

4. The bail application is opposed by learned State counsel. Status report was filed. Now supplementary status report has been filed. It is argued that allegations levelled against the present petitioner are specific and serious in nature. The complainant had suffered fracture of backbone and also had a miscarriage. Considering the gravity of offence she is not entitled to be released on bail.

5. I have considered the status report which indicates that after completion of investigation, challan was presented on 18.11.2022. The accused are chargesheeted under Sections 201, 308, 316, 323, 325, 342, 498-A, 506 and 34 IPC. Out of eighteen prosecution witnesses five witnesses have been examined including the complainant whose statement is placed on record as Annexure P-19. There is medical treatment record of Command Hospital, Udampur which shows that she was admitted in the Hospital on 08.02.2022 and was discharged on 24.02.2022. The present petitioner is in custody since 20.10.2022. Earlier regular bail application filed by petitioner was dismissed as withdrawn in CRM-M-60565-2022 vide order dated 22.05.2023. It is matter of record that co-accused Jai Narain who was summoned on application under Section 319 Cr.P.C. was granted anticipatory bail by Coordinate Bench in CRM-M-29671-2023 vide order dated 21.08.2023. Trial of this case is likely to take some time. Statement of complainant has already been recorded.

6. Considering the aforesaid facts without expressing my mind on the merits of the case, regular bail application filed by Bimla is allowed. She is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

7. The bail application stands accepted.

Pending application (s), if any, also stands disposed of.

15.03.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No