

CRM-M-50929-2022
Date of decision: 13.03.2024

versus

Custody certificate reflects that petitioner is in custody for 1 year 8 months and 26 days and is ready to face trial.

4. Learned State counsel, on instructions from HC Gurpreet Singh, submitted that challan in the present case has already been presented. All the material witnesses have also been examined. The learned State counsel has opposed the bail application on the ground that the petitioner would interfere in the prosecution evidence in case she is released on bail.

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

6. The present case was registered at the instance of the mother of the deceased. The son of the petitioner was married to the daughter of the complainant about 10 years ago and three children were born out of this wedlock. The deceased was thrown out of matrimonial house along with three children. There are also allegations that the deceased was beaten up by her husband and mother-in-law. A panchayat was called and the deceased was rehabilitated in her matrimonial home. However, again she was beaten up and she was sent back to her parental home.

7. Though the allegations against the petitioner are very serious in nature but keeping in view the fact that petitioner is 61 years old female and she is in custody for the last 1 year 8 months and 26 days and the suicide was committed by the deceased in her parental home and at that point of time she was not residing with the petitioner. It would be debatable if the offence of abetment of suicide by the victim is made out and it is matter of trial. The charges have been framed but 18 witnesses are yet to be examined, the trial will likely to take a very long time.

8. Without commenting on the merits of the case, but keeping in view the fact that investigation is already complete; challan report is filed in Court; the trial is at the initial stage which will take some time to conclude; the testimony of the material witnesses including the complainant has already been recorded; and at this stage, no useful purpose will be served by keeping the petitioner in custody. The petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds to the satisfaction of the trial Court.
9. This order is not an expression on merits.
10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13.03.2024
k.nain

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*