



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-52899-2024
Date of Decision:06.11.2024

SHEELA DEVI ...Petitioner(s)

Versus

STATE OF HARYANA ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Vipul Joshi, Advocate
for respondent/complainant.

TRIBHUVAN DAHIYA, J. (Oral)

This is a petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in case FIR No.426 dated 27.08.2022, registered under Sections 304-B, 377, 34 of IPC, at Police Station Rania, District Sirsa, Haryana.

2. The FIR was lodged on the statement of the deceased's brother alleging that she had been harassed by all the accused persons, who used to give beatings to his sister and taunt her for bringing less dowry. Earlier his sister used to bear all this, but seven to eight months ago she told these facts to her father. Thereupon, his father convened *panchayat* and tried to make the accused persons understand but their behaviour remained the same. They used to beat his sister on one pretext or the other, and threaten her too. The allegations are also that the co-accused, husband of the deceased, used to do



unnatural sex with her and she was depressed on that account. His father received an information through a telephonic call that his daughter had a heart failure, and on that account she had been admitted to hospital.

3. Learned counsel for the petitioner contends that only general and vague allegations have been levelled against the petitioner, who is mother-in-law of the deceased. On similar allegations, co-accused Mahabir, who is petitioner's relative, has already been granted bail by this Court vide order dated 12.04.2023, passed in CRM-M-9020-2023. Another co-accused, deceased's father-in-law has also been granted regular bail by this Court, vide order dated 27.08.2024, passed in CRM-M-64566-2023. The petitioner is in custody since 18.03.2023, and trial is not progressing on account of application under Section 319 Cr.P.C. filed by the complainant for summoning additional accused. The only ground for rejection of the petitioner's bail by the trial Court is allegation of submitting a forged medical certificate seeking interim bail, which is a separate case and she should not be made to suffer on that account in the instant case. Besides, she was in custody at that time and could not have forged any document.

4. Learned State counsel, assisted by learned counsel for the complainant, contends that the complainant has been examined-in-chief, and the remaining witnesses will soon be examined as the application under Section 319 Cr.P.C. is pending for consideration before the trial Court on 08.11.2024; there are thirty-two prosecution witnesses in all. The petitioner is not entitled to be enlarged on regular bail keeping in view her conduct in submitting a forged medical certificate. The period of her custody is, however, not disputed.

Heard.



6. The petitioner is in custody for more than one year seven months. Trial of the case is not progressing and as of now, it is fixed for consideration of complainant’s application for summoning additional accused. It will take some time to conclude and no useful purpose will be served by confining her in custody during trial. So far as submitting a forged medical certificate by the petitioner is concerned, a complaint under Section 340 Cr.P.C. has already been filed against her under orders of the trial Court; the proceedings are going on, and the allegations are still to be established.

7. Accordingly, petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

06.11.2024
Ad

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