



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-53278-2024

Date of Decision: 10.02.2025

Vidhya Devi

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of **regular bail** in case FIR No. 305 dated 11.10.2023 (Annexure P-2) registered under Sections 120-B, 304-B, 34, 498-A and 302 IPC at Police Station Ateli, District Mahendergarh, Haryana.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner is the mother-in-law of the deceased. Son of the petitioner was married to the deceased on 27.11.2022. The deceased had committed suicide by hanging herself on 10.10.2023. The present FIR (Annexure P-2) was registered on the basis of a complaint moved by the complainant/brother of the deceased, and the relevant portion thereof, reads as under:-

“....That the I am Sonu son of Rajender Singh resident of village Jhal, Tehsil Kosli, District Rewari Haryana. My sister Laxmi (Born on 17.09.1997) had married with



Randheer Singh son of Mohan Lal, resident of village Bihali on 27.11.2022. We had given Rs 5 Lakh in cash, Gold Ring, Chain of Gold and Silver, Silver Ring and other household articles in dowry and also gave chain, ear rings of gold and silver to grandmother in law, mother in law, brother, father in dowry as per their demand.

That within about 10 months, Randhir Singh raising demand of vehicle worth Rs. 20 lacs, when his demand was not met, he used to harass and beat Lakshmi. When Lakshmi visited village Jhal, she told the entire incident that Randhir demanded Rs 20 lakh for the car and threatened to kill her. On 10.10.2023 my father was informed by the Kanti police through telephone that Laxmi had committed suicide. My father is serving as Havaldar in Arunanchal Assam Regiment and my father had informed me on phone about the death of Laxmi by hanging, father will take leave and will come today dated 11.10.2023 in evening. So I along with my mother, grandmother, aunt, uncles and some friends reached Bihali at 06 PM on 10.10.2023. Only Lakshmi's mother in law and sister in law Rajesh were at home, Randhir Singh had absconded from the house after committing the murder and Bhupendra, Mohan lal, Nirmala had also absconded from the house. Laxmi had been put on bed after committing her murder. Police was also present there in whose presence we found Laxshmi in a bad condition. There were several marks of violence on her waist, marks on her neck. There was no ornaments on her body, hairs was open. When we asked for mobile of Laksmi, it was not given to us. Above said 6 persons had killed her in a pre-planned manner. Legal action was sought against them.....”

Learned counsel for the petitioner submits that a bare reading of the FIR (Annexure P-2) shows that there is no specific allegation made against the petitioner. The main allegations are against the husband of the deceased. It is submitted that only general and omnibus allegations have been made against the other co-accused including the petitioner. Further, it is submitted that the date of occurrence is 10.10.2023; whereas the present FIR (Annexure P-2) was registered on 11.10.2023. There is no cogent explanation for the delay of 01 day in registration of the FIR.



Learned counsel submits that it has been alleged in the FIR that injuries were found on the person of the deceased. In this regard, learned counsel for the petitioner refers to the testimony of the complainant as PW-7 before the learned trial Court who in his deposition had stated that *'there were injury marks on her body. There were injury marks on her back which was given with the help of belt'*. A photocopy of the testimony of the complainant handed over in Court by learned counsel for the petitioner is taken on record. To controvert the same, learned counsel for the petitioner refers to the Post Mortem Report dated 12.10.2023 (Annexure P-4), as per which there is no mark of any injury on the person of the deceased; and the cause of death has been opined to be asphyxia as a result of ante mortem hanging. Accordingly, it is submitted that the petitioner has been falsely implicated in the present case.

Learned counsel for the petitioner also points that in the FIR (Annexure P-2) it has also been recorded that husband of the deceased had absconded. However, the petitioner did not run away from the spot and she was very much present, when the complainant and his family members and the police arrived at the spot. It is admitted that now the husband and father-in-law of the deceased are in custody. The petitioner has been in custody for the last more than 01 year. She is not involved in any other case. Thus, it is prayed that she may be released on regular bail.

In support of his contentions, learned counsel for the petitioner has relied upon a recent judgment of the Hon'ble Apex Court in *Karan Singh vs. State of Haryana*, Law Finder Doc Id # 2689365,



wherein it has been held that failure to prove specific instances of cruelty or harassment for dowry demands can lead to acquittal in dowry death cases.

Per Contra, learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the deceased had committed suicide within 11 months of the marriage. There are specific and serious allegations made against the petitioner qua the demand of dowry. On instructions, learned counsel for the State has informed that out of total 20 prosecution witnesses, 07 have already been examined so far; and 13 witnesses remain to be examined.

Learned counsel for the State files custody certificate dated 06.02.2025 which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year, 03 months and 21 days. Perusal of the custody certificate shows that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case, including: (a) custody period of 01 year, 03 months and 21 days undergone by the petitioner as an undertrial; (b) perusal of custody certificate reveals that the petitioner is not involved in any other case; (c) that material witness i.e. the complainant already stand examined; and (d) out of total 20 prosecution witnesses, only 07 witnesses have been examined by the learned trial Court, so far, therefore, conclusion of trial will take



considerable time, and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Vidhya Devi W/o Mohan Lal, is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

10.02.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No