

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-23797 of 2015 (O&M)
DATE OF DECISION : 30.7.2015

Sajida Begam

PETITIONER

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri S.S.Behl, Advocate for the petitioner.

Shri G.S.Sekhon, A.A.G. Punjab.

MAHESH GROVER, J.

This is a petition filed under section 439 Cr.P.C. with a prayer for release of the petitioner on bail in a case registered vide F.I.R. No.182 dated 27.8.2009 under Sections 306/34 I.P.C. at Police Station City, Malerkotla.

The facts would indicate that one Jagdish Kumar set himself on fire after his house was allegedly demolished by the petitioner in collusion with the wife of the deceased himself. Before dying, the statement of the deceased to this

effect was recorded.

Learned counsel for the petitioner contends that petitioner is in custody since June, 2015 and charges have been framed. It is further contended that Pushpa Rani wife of the deceased is absconding and that allegations in the F.I.R. and as stated by the deceased in his statement before the Magistrate would not indicate any untoward act on the part of the petitioner which could invite an allegation under Section 306 I.P.C.

On due consideration of the matter and noticing the fact that there appears to have been a dispute between the neighbours and the wife of the deceased who was also a participant in the demolition of the house of the deceased which prompted the deceased to take his life, I am of the opinion that the petitioner's role in the commission of offence would be debatable at this stage, of course, to be tested on the basis of the evidence that may come on record during the course of trial which is likely to take some time.

Consequently, the petition is accepted and the petitioner is directed to be enlarged on bail to the satisfaction of the trial Court.

Nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

July 30, 2015
GD

(MAHESH GROVER)
JUDGE