

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-26038 of 2015
Date of Decision: 12.8.2015**

Gurcharan Kaur

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vikram Preet Arora, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 160 dated 23.12.2014 under Sections 306 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Notice to the Advocate General, Punjab.

On the asking of the Court, Mr. K.D.Sachdeva, Additional A.G. Punjab, accepts notice.

Learned counsel for the petitioner submits that petitioner is mother-in-law of the deceased and was living separately. She had no role to play in the commission of crime. He places reliance on

police report under Section 173 Cr.P.C. (Annexure P-2), particularly pages 11 and 12 of the paper book, to contend that cause of death of deceased was not as alleged in the FIR, but she committed suicide apprehending that her husband namely Mangat Singh may not perform second marriage with one Sunita Rani resident of Yamuna Nagar, with whom he was having undesirable relations. He further submits that petitioner is inside jail for the last more than seven months and she is an old lady of more than 70 years. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from H.C. Paramjit Singh, submits that challan has been presented and even charge has also been framed against the petitioner. There is no delay in trial on the part of prosecuting agency. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because story putforth in the FIR has not been found to be true by the investigating agency itself, while preparing report under Section 173 Cr.P.C. As many as five accused out of total seven have been declared innocent. Further, since trial is yet to commence, conclusion thereof will take some time.

In view of the above and without commenting upon the merits of the case, lest it should prejudice the rights of either of the parties, at this stage, instant petition is allowed. Petitioner is directed to be released on bail pending trial on her furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

12.8.2015
Ak Sharma