

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.42139 of 2014

Date of Decision:15.01.2015

Parveen Kumari

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.Ravi Malhotra, Advocate,
for the petitioner.

Mr.Gurinderjit Singh, Deputy Advocate General,
Punjab, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against her along with her other co-accused, namely, Indra w/o Vinod, Swarna @ Bholi w/o Manohar Lal etc. vide FIR No.174 dated 19.07.2013, on accusation of having committed the offences punishable under Sections 306/34 IPC(the offence punishable under Section 302 IPC was later on added), by the police of Police Station Bawa Khel, District Jalandhar.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.
4. Concisely, the prosecution, *inter alia*, claimed that on

18.07.2013, when complainant-Deepak Kumar son of Harjit Lal(for brevity “the complainant”) was on his duty, he received a telephonic message at about 11.00 AM from some resident of Mohalla that his wife Sonia has caught fire and asked him to reach home. After receiving the information, he reached the house and found his wife in a burnt condition. A stove was lying there. She was admitted to Civil Hospital, Jalandhar. The police reached there and recorded the statement(Annexure P-2) of injured Sonia, wherein she has very vaguely stated that the accused have poured the kerosene and set her on fire. Moreover, from the contents of the FIR and the statement(Annexure P-2) of Sonia, as to whether the penal provision of Section 306 IPC is attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner, who is a lady, was arrested in this case on 07.09.2013. Since then she is in judicial custody and no useful purpose would be served to further detain her in jail. There is no history of her previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. Not only that, Swarna @ Bholi, similarly situated co-accused of the petitioner, was granted the concession of regular bail, by means of order dated 31.10.2014(Annexure P-5) in CRM No.M-33685 of 2014 by this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts & special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on her furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 15, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE