

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

CRM No.M-8768 of 2015 (O&M)

Date of decision:24.03.2015

Chhinder Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Kuldeep V. Singh, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner in case FIR No.70 dated 05.09.2014 under Sections 306/506/148/149 of the Indian Penal Code, registered at Police Station Jhunir, District Mansa.

Counsel for the parties have been heard.

The deceased in the present case is Bahadur Singh, who is stated to have committed suicide on 05.09.2014. Complainant is the wife of the deceased. As per complainant's version, there was a dispute with regard to joint land holding between the family members i.e. Bahadur Singh on the one side and his brother-Balwinder Singh on the other side. A complaint in relation thereto had been lodged against deceased-Bahadur Singh and it has been alleged that SI Kishan Kumar of Police Station Jhunir had been pressurizing the deceased to enter into some kind of compromise.

The bald allegations insofar as the present petitioner is that on the relevant night when Bahadur Singh allegedly committed suicide, he had

named SI Kishan Kumar, his brother-Balwinder Singh, Mother-Dalip Kaur

and the present petitioner stating that they would snatch the land and send his children to jail.

It has gone uncontroverted that the present petitioner is not even a family member and not even related to deceased-Bahadur Singh. No over act/action has been attributed to the present petitioner from which an inference may be drawn that a situation was created which left the deceased with no other option but to commit suicide.

Under such circumstances, the issue as to whether offence under Section 306 of the Indian Penal Code is at all made out would be a moot question to be considered during the course of trial.

Investigation in the case is complete and the challan has been presented on 11.12.2014. The trial, as such, is at the very initial stage and would take time to conclude.

The petitioner, who is a lady has been in custody since 16.09.2014.

In the considered view of this Court, petitioner is entitled to the concession of bail.

Petition is allowed.

Petitioner-Chhinder Kaur be enlarged on bail subject to the satisfaction of the trial Court/Chief Judicial Magistrate, Mansa.

It is clarified that the observations in this order are confined only as regards consideration of the prayer of the petitioner for grant of bail and would have no bearing on the trial proceedings.

Disposed of.

24.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**