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

**CRM-M No.12401 of 2017
Date of Decision: 24.04.2017**

Tej Kaur

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ishan Gupta, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 142 dated 08.09.2016, under Sections 306 and 34 I.P.C. registered at Police Station Canal Colony Bathinda, District Bathinda.

Allegations are that the petitioner was first married with Sandeep Singh. After his death, she was married with Ranjit Singh. The matrimonial litigations were pending between

them. On account of alleged threat perception, Ranjit Singh committed suicide.

Learned counsel for the petitioner contended that filing of petition under Section 125 Cr.P.C. and proceeding in terms of Domestic Violence Act cannot be treated to be an act of abetment in terms of Section 306 I.P.C., at the instance of the petitioner. Right to Claim Maintenance and Custody of Child are her legal rights, the enforcement of which, cannot be termed to be concerted effort made by the petitioner for commission of the offence. The ingredients of the offence under Section 306 I.P.C. are not fulfilled .

Learned State counsel on instructions from A.S.I. Amrish Singh submitted that the challan has already been presented and now the case is fixed for the framing of charges, but the same is yet to be committed to the competent Court.

In view of the aforesaid, I deem it appropriate to consider the claim of regular bail of the petitioner.

In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/ surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate, Bathinda.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 24, 2017
Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No