

Criminal Misc. No. M- 13559 of 2017 (O&M)

Date of decision : December 19, 2017

Gurdev Kaur

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. J.S. Khiva, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. P.S. Jammu, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 23 dated 02.03.2017 under Sections 306, 34 IPC registered at Police Station Bareta, District Mansa.

At the outset, learned counsel for the petitioner submits that FIR in question is dated 02.03.2017 and not 11.03.2017 as has been mentioned in the head note of this petition as well as in Annexure P-1. This discrepancy has arisen because the vernacular (which is duly attached with this petition) as downloaded bears the date '11.03.2017'. This mistake has occurred at the end of the authorities who have uploaded the copy of the FIR with a wrong and incorrect date. The date is incorrectly mentioned in order dated 07.04.2017 passed by the learned Additional Sessions Judge, Mansa. Therefore, the mistake is not wilful and intentional and has occurred due to this reason.

Learned counsel for the State is unable to deny that the above FIR was uploaded with an incorrect date. Necessary correction has thereafter been carried out by the authorities.

It is submitted that the petitioner, who is the mother-in-law of the deceased, is 74 years old and has been implicated merely because of her relationship with the deceased.

Learned counsel for the petitioner submits that the deceased was married to the petitioner's son about 17 years prior to the unfortunate occurrence. They are blessed with two children, who are admittedly being looked after by the petitioner's son. The ingredients of Section 306 IPC, it is urged, are not made out against the present petitioner on a bare reading of the FIR itself. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this application.

Heard, learned counsel for the parties.

It is not in dispute that the petitioner is the 74 years old mother-in-law of the deceased. Learned counsel for the complainant has not denied that both the children are being looked after by the petitioner's son.

Learned counsel for the State verifies that she has joined investigation and is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just

and expedient to allow this petition. Consequently, order dated 24.04.2017 is made absolute.

December 19, 2017
rts

(Lisa Gill)
Judge

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