

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-184 of 2017

Date of Decision: 17.04.2017

Manjit Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Sekhon, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 94 dated 07.08.2015 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Bajakhana.

Heard.

The petitioner was arrested in this case on 09.08.2015 and is in judicial custody since then. The trial has not been completed so far.

Learned State counsel submits that the prosecution has examined all the witnesses but presence of one MHC could not be procured and the trial Court has now issued his bailable warrants for 11.05.2017.

Allegations against the petitioner is that she alongwith her husband and both the sons maltreated and harassed Jaspreet Kaur wife of Kuldeep Singh (her son). Jaspreet Kaur died after six years of the marriage in her matrimonial home.

Learned counsel for petitioner submits that all the family members are in custody for the last about 1 year and 7 months and there is no one to look after the family. Petitioner being a lady of old age may be allowed benefit of bail as all the material witnesses have already been examined and the trial is being delayed for no lapse on the part of petitioner.

It is a case where allegation of maltreatment of deceased- Jaspreet Kaur, who was married to son of petitioner, have been levelled against petitioner and her family members. Petitioner is in custody for the last about 19 months.

Without expressing any opinion on merit of the case, I accept submissions of learned counsel for the petitioner and allow this petition. Petitioner-Manjit Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

April 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No