

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-1858 of 2017

Date of decision : May 25, 2017

Bhawna Sharma

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.GBS Dhillon, Advocate, for the petitioner
Mr. J.S.Brar, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Bhawna Sharma in this regular bail application under section 439 Cr.P.C. are that a marriage took place between the petitioner and deceased Harpreet Singh in February, 2015 which was a love marriage and on account of matrimonial dispute, the petitioner was taken away by her parents but inspite of repeated requests, she refused to come back when as per the allegations the deceased had gone to the house of petitioner to bring her back and on account of refusal the deceased returned back and hanged himself in his room leading to his death.

The contentions of counsel for the petitioner are that the petitioner is in custody since 17.10.2016 and that there is no semblance of evidence to connect the alleged suicide note purported to have been written by the deceased with his admitted signatures/hand writing and that neither there is any specific role for enticing the deceased to commit suicide though on behalf of State the bail is sought to be opposed stoutly on the grounds

that the petitioner being the wife is responsible in enticing the deceased to take such a harsh step and thus, she is not entitled to bail.

Appreciating the submissions of both the sides, the note book placed on the judicial file is in itself suggestive of raising suspicion over the veracity of the alleged suicide note being newly procured blank copy and the fact as has been duly accepted by the learned State counsel that this alleged suicide note has never been sent for expert opinion and thus, there is nothing corroborative that the same is in the hand writing and under the signatures of the deceased are matters which have adverse effect on the prosecution story. Culpability if any shall be determined at the time of trial.

Keeping in view the aforesaid and substantive period of incarceration and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

May 25, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No