

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22101 of 2017

Date of Decision: 22.06.2017

Dalip Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 126 dated 25.08.2016 registered for the offence punishable under Section 304-B read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Nehian Wala, District Bathinda.

Heard.

Notice of motion.

On asking of the court, Mr. T.N. Sarup, Addl. AG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that deceased Veerpal Kaur was married with Tirath Singh son of the petitioner about 6½ years before the incident. She committed suicide on 25.08.2016.

As per allegation of complainant, the deceased was being taunted for not giving birth to a child. They have implicated the petitioner,

her son and daughter Beant Kaur, but on police investigation, Beant Kaur

was found to be innocent.

The petitioner was arrested in this case on 28.08.2016. The prosecution has examined three witnesses and thereafter, an application under Section 319 Cr.P.C. was moved, which is still pending.

Learned State counsel opposes this application on the ground that offence committed by the petitioner is quite serious in nature and release of petitioner on bail will afford her an opportunity to prevail upon the prosecution witnesses.

Keeping in view the fact that even after ten months of registration of FIR, the case is still at preliminary stage; allegations levelled against the petitioner are of demand of dowry, which are subject to scrutiny by the Court on the basis of evidence produced before it; and that part of the version of complainant about involvement of Beant Kaur, daughter of the petitioner, has also been found to be not correct by the police during investigation, the present petition is allowed. Petitioner-Dalip 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.

June 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No