

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

**CRM-M-38642-2017 (O&M)
Date of decision: - 24.10.2017**

Neha

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Vishal Nehra, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 172 dated 28.7.2017, under Section 306 IPC, registered at Police Station Sadar Amritsar, District Amritsar.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 28.7.2017. He further submits that petitioner is a lady having two minor daughters and is pregnant for about three months.

It is further submitted that as per the allegations in the FIR neither any suicide note was written by deceased-husband nor there are any such allegations to show that deceased-husband was abetted by petitioner compelling him to commit suicide. He further submits that petitioner is the only person to look after the minor daughters.

Learned counsel for the petitioner refers to the proviso to Section 437 (1) Cr. P.C. and submit that since the petitioner is a woman; is an infirm person and is expecting her pregnancy, she may be granted the concession of regular bail. It is further submitted that prior to registration of the FIR, there was no complaint from the side of the deceased-husband of the petitioner regarding any maltreatment on behalf of the petitioner.

Learned State counsel on instructions from ASI Mohinder Singh has not disputed the factual position.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Illaq Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

24.10.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No