

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39445 of 2017
Date of Decision: 30.10.2017

Shimla Bai

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B. Raheja, Advocate
for the petitioner (s).

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.69 dated 30.05.2017 registered for offences punishable under Sections 302, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Guruharsahai, District Ferozepur. (Offence under Section 302 IPC was deleted and Section 306 IPC was added later on).

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., 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.

Petitioner was arrested on the basis of statement of Paramjit Singh, who has stated to police that deceased-Manjit Singh had gone to the house of his in-laws to take his wife, who refused to accompany him.

Thereafter, a vehicle of white colour came in front of his house and thrown

Manjit Singh out of the vehicle. When he and his family took care of Manjit

Singh, he told that all the members of his in-laws' family administered him some poisonous substance.

Initially the FIR was registered for offence punishable under Section 302 IPC. However, during investigation it was found that on 25.08.2017, deceased had gone to the house of his in-laws. His wife i.e. petitioner had refused to accompany him as he was giving beatings to her. Her father Shagan Singh and uncle Krishan Singh had stopped petitioner-Shimla Bai from going to her in-laws house. Again deceased-Manjit Singh came to the house of his in-laws on 30.05.2017 to take his wife alongwith him, but she did not accompany him. Feeling enraged, deceased-Manjit Singh consumed some poisonous substance. At that time no male member was present in the house of petitioner and their neighbours, namely, Hoshiar Singh and Satnam Singh took Manjit Singh on the motorcycle and left him at his village.

The police after completion of investigation has presented the challan in Court for offence punishable under Section 306 read with Section 34 IPC. As per challan, allegation against the petitioner is that her husband Manjit Singh had committed suicide as she had not accompanied him to her matrimonial home. The fact to be seen is as to whether offence under Section 306 IPC is made out even if allegations of the prosecution be believed. The trial Court on the basis of evidence produced before it will be required to form an opinion as to whether denial of wife to accompany her husband to the matrimonial home amounts to abetment to the husband to commit suicide?

Keeping in view above facts but without expressing any opinion on merits of the case, I am of the considered opinion that no useful

purpose will be served by keeping the petitioner in custody. Consequently, the present petition is allowed. Petitioner-Shimla Bai 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.

October 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No