

Criminal Misc. M- No. 46682 of 2016 (O&M)

Date of decision : May 12, 2017

Jaspal Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. S.K. Sandhir, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 124 dated 30.11.2016 registered under Sections 306, 34 IPC at Police Station Sadar Raikot, District Ludhiana.

It is submitted that the petitioner is the paternal aunt (Bua) of the deceased. The deceased was admittedly married a number of years prior to the unfortunate occurrence in question. She had borne three children out of this marriage. The eldest child was eight years old and the other two were seven and four years old respectively at the time of the incident. The allegations raised against the present petitioner, it is submitted, are highly improbable. There is no record of any complaint or representation, which may have ever been raised/lodged by the deceased at any point of time from the alleged incident i.e. when she was 13 years old till her death when she was admittedly 25 years old, married and having three children.

It is further submitted that the deceased was suffering from psychosis and

depression as reflected in the medical report (Annexure P-1). The petitioner has joined investigation pursuant to order dated 27.12.2016 passed by this Court. It is submitted that there is no evidence pointing to the complicity of the petitioner in the abetment of suicide by the deceased. The allegations, if any, are against the co-accused Harpreet Singh @ Happy. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Jagroop Singh, while opposing this petition has submitted that statement under Section 164 Cr.P.C. of the deceased was recorded by the learned Judicial Magistrate, Ludhiana on 19.11.2016 (FIR was lodged on the basis of the first statement suffered by the deceased on 19.11.2016 itself) wherein the deceased stated that she was harassed by the present petitioner and she never took any action against the co-accused Harpreet Singh @ Happy despite being told about the misconduct on his part. However, it is not denied that the deceased was 25 years old at the time of her death. She had three children as mentioned above. There is no complaint lodged by the deceased against the petitioner at an earlier point of time.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. She is not involved in any other case.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 27.12.2016 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

May 12, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No