

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

CRM-M No.10376 of 2018

Date of Decision: 17.05.2018

Gurjeet Kaur

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Hittan Nehra, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

Petitioner-Gurjeet Kaur has filed the present petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.133 dated 24.09.2017 registered under Section 306 IPC at Police Station Moonak, District Sangrur.

Learned counsel for the petitioner submits that as per contents of the FIR, there is no allegation from which an inference can be raised that the petitioner has abetted the commission of offence in any manner. Only on the basis of vague allegations, the petitioner has been implicated. He also submits that there are no ingredients of Section 306 IPC. Learned counsel further submits that as per allegations levelled in the FIR, the persons named in the alleged suicide note were threatening the deceased to implicate him in some false rape case and alleged that by showing pistol, money was extorted from him. Learned counsel also submits that the

petitioner is a married woman having minor children and there is no reason to give any threat to the deceased. Even there is nothing on record to show that the suicide note was written by the deceased himself as no report with regard to authenticity of the alleged suicide note has been received. At the end, learned counsel for the petitioner submits that the petitioner is in custody since 30.09.2017 and her co-accused Jaswinder Kaur has been allowed anticipatory bail, whereas, co-accused Baljinder Singh has been allowed regular bail. The challan has been presented and thereafter, charge has also been framed. The trial may take long time to conclude.

Learned State counsel has not disputed the factum of stage of trial and also the fact that co-accused Jaswinder Kaur and Baljinder Singh have been released on anticipatory bail/regular bail. It has also not been disputed that FSL report has not been received so far.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, the FSL report has not been received so far and contents of the suicide note can be verified only after getting the FSL report. It is to be seen from the FSL report as to whether the alleged suicide note has been written by the deceased or not. While granting bail to co-accused Jaswinder Kaur on 14.12.2017 in **CRM-M-39868 of 2017**, the following observations were made :-

“Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the present petitioner is not required for custodial interrogation and no specific attribution is there regarding abetment to commit

suicide, therefore, no useful purpose will be served by sending the petitioner in custody. Finding merit in this petition, the same is allowed. The order dated 09.11.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438(2) Cr.P.C.”

In the present case, the petitioner is a married woman having minor children who are in the age group of 9 and 15 years and no evidence has been collected to connect her with the abetment of suicide. Co-accused Jaswinder Kaur, who is stated to be in relation with another accused Baljinder Singh has been allowed anticipatory bail by this Court on 14.12.2017. The petitioner is in custody since 30.09.2017 and is not involved in any other case. The trial may take long time to conclude as only the challan has been presented.

Accordingly, the present petition is allowed and petitioner-Gurjeet Kaur is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

17.05.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No