

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11622 of 2017(O&M)

Date of Decision: 15.02.2018

Jai Mala Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Lajpat Sharma, Advocate
for Mr. Manish Soni, Advocate
for respondent no.2.

LISA GILL, J (Oral).

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 116, dated 04.11.2016, under Sections 304-B, 406, 498-A, 34 IPC, registered at Police Station Urban Estate, Patiala.

It is contended that the petitioner has been living separately at Jujhar Nagar, since a number of years. Learned counsel for the petitioner refers to the document annexed as Annexure-P-3. It is submitted that the petitioner had disowned his son in the year 2015. Moreover, the child of the deceased and the petitioner's son is being looked after by the petitioner. Share of the property falling to the son of the petitioner has been transferred in favour of the minor child. Moreover, the co-accused i.e. the petitioner's son has since been acquitted by the learned trial Court on 18.01.2018. The

petitioner undertakes to face the proceedings. It is thus prayed that this petition be allowed.

Learned counsel for the complainant is unable to deny the factum of the petitioner living separately from her son (husband of the deceased) or of the petitioner maintaining her grandchild.

Learned counsel for the State, on instructions from ASI Pardeep Kumar, verifies that the co-accused has been acquitted on 18.01.2018 and petitioner is not involved in any other criminal case.

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.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed.

In the event of arrest of the petitioner, she be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

15.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.