

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

CRM-M No.16350 of 2018
Date of Decision: 30.04.2018

Minaxi Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vineet Sehgal, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab.

Augustine George Masih, J. (Oral)

Prayer in this second petition is for grant of regular under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.261 dated 23.09.2017 registered under Sections 306, 34 IPC at Police Station GRP, Jalandhar, District Government Railway Police.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on the basis of above mentioned FIR on 25.09.2017 and since then she is in custody. He states that charges, though, were framed on 19.12.2017, but till now, out of 20 prosecution witnesses, which have been cited, no one has been examined. The trial is not likely to conclude in near future and further incarceration of the

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petitioner would not serve any purpose, therefore, petitioner be granted the concession of bail.

Learned counsel for the State submits that there is a suicide note of the husband of the petitioner namely, Shashikant, which clearly implicates her. It is because of the harassment being faced at the hands of the petitioner and her mother that the deceased had committed suicide. He, however, on instructions from ASI Gurbhej Singh, PS GRP, Jalandhar, could not dispute the assertion of the counsel for the petitioner that out of 20 prosecution witnesses as cited no one has been examined. He contends that the petitioner be not granted the concession of regular bail.

Having considered the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner being lady and is in custody since 25.09.2017, having completed more than 7 months in jail, and that no prosecution witness examined till date and further the trial is not likely to conclude in near future, therefore, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

Any observations made hereinabove shall not be taken into consideration for any purpose except for the decision of the present petition.

[AUGUSTINE GEORGE MASIH]
JUDGE

30.04.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No