

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21789 of 2018
Date of Decision: 25.08.2018

Manjit Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Shaurya Puri, Advocate
for the complainant.

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.90 dated 16.04.2018 registered for offences punishable under Sections 306/341 of Indian Penal Code (for short, "IPC") at Police Station Kotwali Kapurthala, District Kapurthala.

Heard.

Hardish Singh @ Deesha was arrested by Kapurthala Police in a case bearing FIR no. 31 dated 08.02.2018 and was confined in Modern Jail, Kapurthala, where he committed suicide on 16.04.2018. The present FIR was got registered by Boota Singh brother of deceased levelling allegation that petitioner had abetted commission of suicide by his brother by implicating him in a false case.

This fact is admitted that deceased was in judicial custody for the last two months before commission of suicide by him. No

immediate action of petitioner abetting the deceased to commit suicide has been alleged in FIR. The petitioner was arrested in this case on 16.04.2018 and the case is still under investigation.

Keeping in view facts of the case and that completion of investigation and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Manjit Kaur 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- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 his 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.

It is, however, made clear that nothing observed herein will be taken as opinion on merits of the case.

May 25, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No