

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

Criminal Misc. No.M- 4213 of 2018(O&M)

Date of Decision: February 09 , 2018.

Sukhwant Kaur

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. APS Deol, Senior Advocate with
Mr. Shaktipal Singh Mann, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Baltej Singh Sidhu, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner, who is the mother-in-law of the deceased, prays for bail pending trial in FIR No.76 dated 12.09.2016 under Sections 302/304B/120B/34 IPC, registered at Police Station Sadar, Bathinda.

It is submitted that a similarly situated co-accused Sukhdev Singh, father-in-law of the deceased (husband of the petitioner) has been afforded the

concession of bail pending trial by this Court on 22.01.2018 in CRM No.M-9163 of 2017 (Annexure P2). It is contended that allegation against the petitioner is that she alongwith other family members instigated the co-accused Kulwinder Singh to kill the complainant's daughter. The present petitioner, it is submitted, has been in custody since September 2016. Only two prosecution witnesses have been examined till date. It is thus prayed that this petition be allowed.

It is not in dispute that the co-accused Sukhdev Singh was afforded the concession of bail pending trial by this Court on 22.01.2018 in CRM No.M-9163 of 2017. Contentions on behalf of the co-accused Sukhdev Singh as noted by this Court, read as under:-

“Petitioner, is the father-in-law of the deceased. Marriage was solemnized between the petitioner's son and the complainant's daughter on 01.12.2013. A daughter was born out of this wedlock. The unfortunate occurrence took place on 11.09.2016. Cause of death were the injuries on the neck of the complainant's daughter. It is argued that even as per the allegations in the FIR, the petitioner instigated the co-accused-Kulwinder Singh (petitioner's son) to illtreat and harass the complainant's daughter and Kulwinder Singh is alleged to have killed his wife on the instigation of the petitioner and other co-accused. Learned counsel submits that the petitioner's son was unfortunately addicted to drugs. The petitioner's son would often wander around aimlessly in his car for weeks together accompanied by his friends who were also addicted to drugs. It is due to this reason that the petitioner sold the car given at the time of marriage. The proceeds thereof were handed over to the brother of the deceased. Reference is made to Annexures P-4 and P-4/A. This was done with a view to reform the accused-Kulwinder Singh and

prevent him from leaving his home. It is further argued that there are no specific allegations as far as the present petitioner is concerned except instigation of the co-accused-Kulwinder Singh. The petitioner has been in custody since September, 2016. The prosecution witnesses, it is submitted are not coming-forward for recording of their testimonies. Only, two prosecution witnesses have been examined till date.”

Learned counsel for the complainant has vehemently opposed this petition while submitting that there is a clear-cut allegation against the petitioner of instigating the co-accused Kulwinder Singh to kill the complainant's daughter. Allegations of demand of dowry too have been raised.

Learned counsel for the State, on instructions from ASI Ranjit Singh, verifies that the petitioner is not involved in any other criminal case and has been in custody since September, 2016. No overt act leading to the death of the complainant's daughter has been attributed to the present petitioner. It is not denied that only two prosecution witness have been examined till date. Trial in this case is not likely to conclude in the near future.

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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

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.

February 09 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No