

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

**CRM-M-43967-2018
Date of decision: 10.10.2018**

Kajal**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Jatinder Nagpal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 62 dated 27.04.2018, registered under Sections 306 and 34 of the IPC at Police Station Urban Estate, Patiala.

Learned counsel for the petitioner submits that the petitioner is the wife of deceased Harpreet Singh @ Harish. Learned counsel for the petitioner further submits that the marriage between the petitioner and Harpreet Singh @ Harish was a love marriage against the wishes of their parents and they were residing separately from their parents, however, the marriage ran into bad weather and the petitioner had filed an application under Sections 12(1), 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005. Even the deceased-husband had filed a petition under Section 9 of the Hindu Marriage Act seeking restitution of the conjugal rights.

Learned counsel for the petitioner further submits that on

account of this matrimonial discord, even a Panchayat was convened and a compromise was effected between the parties on 20.04.2018 in presence of various persons. It is further submitted that the said Panchayat was convened on account of the fact that deceased-husband used to harass, maltreat and give beatings to the petitioner.

Learned counsel for the petitioner has further submitted that since there was matrimonial discord, thus, it is to be decided during the course of trial whether the deceased, while committing suicide, had named the petitioner intentionally in the suicide note in the background that there was matrimonial dispute between him and the petitioner or there was any abetment on the part of petitioner which forced him to commit suicide. It is also submitted that petitioner is in judicial custody since 11.05.2018 and challan stands presented; even charges have been framed and the trial is likely to take a long time.

Learned State counsel, on instructions from ASI Devinder Singh, has not disputed the aforesaid factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 10, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No