

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

**CRM-M No.5077 of 2018
Date of decision : 26.10.2018**

Kulwinder Kaur

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Shobit Phutela, Advocate for the petitioner.

Mr. C. L. Pawar, Senior D.A.G., Punjab.

Mr. Jasraj Singh, Advocate for the complainant.

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DAYA CHAUDHARY, J.

Petitioner Kulwinder Kaur has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to her in case FIR No.186 dated 19.11.2017 under Sections 306, 34 of the Indian Penal Code, 1860 (for short – ‘IPC’), registered at Police Station – Sadar, Hoshiarpur, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas she has no concern with the alleged offence. She has not played any role to involve her in the commission of offence. There was no abetment on her part. Deceased Thakur Singh committed suicide as a result of his dispute with one Jatinder Kumar, who was a police official. Petitioner has falsely been implicated in the present case as earlier FIR under Sections 376, 323, 34 IPC was registered at her instance against said Head Constable Jatinder Kumar. A

pressure was put upon her to compromise with Jatinder Kumar and deceased Thakur Singh and because of that reason, the FIR under Sections 376, 323, 34 IPC was got cancelled. Head Constable Jatinder Kumar was responsible for suicide of deceased Thakur Singh as the deceased had made a complaint against Head Constable Jatinder Kumar and the abetment, if any, could have been by Head Constable Jatinder Kumar. Learned counsel also submits that there are no allegations against the petitioner which fulfils the ingredients of Section 306 IPC. The petitioner is ready to abide by any terms and conditions to be imposed by this Court or by the trial Court. Co-accused Jatinder Kumar filed CRM-M No.19635 of 2016 before this Court for anticipatory bail, in which he was released on interim bail and the same has also been made absolute vide order dated 03.11.2016. The petitioner has undergone custody of approximately 10 months. Investigation has been completed and challan has been presented. Trial may take long time to conclude and no purpose would be served by keeping her in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as the factum of release of co-accused on anticipatory bail and also the stage of the trial, but he has opposed the submissions made by learned counsel for the petitioner keeping in view the nature of the offence.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents on the file.

In the present case, the FIR was registered at the instance of complainant Baljit Kaur stating that her husband was serving as Head

Constable in Punjab Police. Kulwinder Kaur (present petitioner) had got registered an FIR against Jatinder Kumar, and husband of the complainant (deceased Thakur Singh) got the matter compromised between them. Kulwinder Kaur received full amount, but she was demanding more money, which her husband refused. Kulwinder Kaur came to house of the complainant and insulted her husband in her presence as well as her children. She threatened the deceased to pay an amount of ₹ 30,00,000/-, failing which, she threatened to get the FIR registered. As per allegations in the FIR, the husband of the complainant had committed suicide because of threat given by the petitioner and her father. Co-accused Jatinder Singh filed CRM-M No.19635 of 2016 before this Court and he was released on anticipatory bail, which was made absolute on 03.11.2016. Same allegations are there against the petitioner. She is in custody for the last about 10 months. Investigation has been completed and challan has been presented in the Court. Thereafter, the charges have also been framed. The trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody. Allegations for committing suicide are matter of evidence, which shall be decided during course of trial.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

26.10.2018

sunil yadav

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

**(DAYA CHAUDHARY)
JUDGE**