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

**CRM-M No.49963 of 2017
Date of Decision: 12.01.2018**

Paramjit Kaur

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Amarinder Verma Advocate
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.15 dated 31.01.2017, registered under Section 306 IPC at Police Station Sadar Phagwara, District Kapurthala.

Petitioner is alleged to have abetted the offence under Section 306 IPC on the premise that the complainant met the petitioner in Singapore and discussed with her about sending her son Ranjit Singh and brother Arwinder Singh to Malaysia. On their return to India in October 2015, petitioner along with Jaspal Singh and Harmeet Singh alleged to have visited the

house of the complainant and took an amount of Rs.1 lac for the said purpose. The complainant handed over her passport as well as passports of her son and brother to the petitioner. Remaining amount of Rs.2,50,000/- was deposited in the account of Harmeet Singh. When the needful was not done and the amount was not returned, the son of the complainant became tense and ultimately, committed suicide by consuming some poisonous substance on 30.01.2017.

Learned counsel for the petitioner submits that in respect of alleged story, firstly FIR No.63 was registered on 10.05.2016 under Sections 406/420 IPC at Police Station Sadar Phagwara, District Kapurthala at the instance of the complainant, wherein she alleged that she had met one Paramjeet Kaur wife of Kulwant Rai when she was in Singapore. On coming back to India, petitioner got Manjit Kaur wife Jaspal Singh introduced with the complainant and thereafter, allegations were revolving around the complicity of that Manjit Kaur and others. Police did not find involvement of the petitioner in any manner in the aforesaid FIR which is also under investigation. Learned counsel further submits that in order to constitute an offence under Section 306 IPC, mere allegations are not sufficient, rather concerted effort has to be proved at the instance of the accused in order to compel the victim upto the

last goal. In view of allegations made, there is no continuing effort on behalf of the petitioner in compelling the deceased to commit suicide, particularly in view of the fact that the occurrence took place in the month of May 2016 and the deceased committed suicide only in the month of January 2017.

Learned State Counsel on instructions from HC Manjit Singh submits that FIR No.63 dated 10.05.2016 registered under Sections 406/420 IPC at Police Station Sadar Phagwara, District Kapurthala is still under investigation and in the present case, the involvement of the petitioner is writ large on the face of the record.

Having considered the submissions made by learned counsel for the parties, I am of the *prima facie* view that at this stage, no such final opinion can be made in respect of proof of accusation of the petitioner. The deceased died after a period of seven months from the alleged occurrence. The overt-act on the behalf of the petitioner would be debatable in the context of concerted effort made by her. Petitioner is a lady. Challan has not been presented even after about 1 year of the registration of the FIR.

Keeping in view the totality of facts and circumstances of the case, I deem it appropriate to enlarge the petitioner on regular bail.

Let the petitioner be enlarged on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 12, 2018.
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(RAJ MOHAN SINGH)
JUDGE

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