

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

Crl. Misc. M-5544 of 2018 (O&M)
Date of Decision: February 16, 2018

Charanjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.D. Sharma, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.65 dated 15.06.2017, under Sections 304-B, 201 of Indian Penal Code (offence under Section 302 of IPC added later on), registered at Police Station Kiratpur Sahib, District Rupnagar.

Learned counsel for the petitioner submits that initially the petitioner herein had prayed for grant of regular bail in the aforesaid FIR under Sections 304-B, 201 of Indian Penal Code, which had been allowed by an order dated 16.01.2018. The petitioner had also furnished the bail bonds and surety bonds before the trial court, which were accepted,

however, the petitioner was not released by the jail authorities on the ground that an alternate charge under Section 302 of Indian Penal Code has also been framed by the trial court on 11.10.2017. It is contended that the petitioner was unaware of the fact that alternate charge under Section 302 of Indian Penal Code has also been framed, besides, Sections 304-B, 201 of Indian Penal Code. It is argued that a reading of the FIR would reflect that the only role attributed to the petitioner herein would be that she had taunted the deceased, on account of bringing less dowry and gave a slap to her, two days prior to the occurrence. It is submitted that during the interim bail granted to the petitioner, she gave birth to a child, but the child could not survive because of the ill health of the petitioner. It is further submitted that the petitioner herein is the married sister-in-law of the deceased and was residing in her matrimonial home at the time of alleged occurrence. It is also contended that the trial has already commenced and conclusion of the same will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that medical condition of the petitioner is not good and she needs constant medical aid, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of

the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

February 16, 2018
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(JAISHREE THAKUR)
JUDGE

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