

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

CRM-M No.20313 of 2019
Date of decision: 10th May, 2019

Amarjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner accused Amarjit Kaur has preferred this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.0092 dated 10.08.2018 under Section 306/34 IPC pertaining to Police Station Sadar Kapurthala. The allegations have been levelled by the complainant Satish Kumar, brother of the deceased Manjit Kaur alias Mani, alleging that marriage between the deceased and Kuldip Singh, brother of the present petitioner, was solemnized about 9/10 years prior to the registration of the present case and since the husband Kuldip Singh was keen to go abroad, he was insisting upon his wife, the deceased, to give him divorce and it is subsequent thereto, fed-up with this, on 09.08.2018 the deceased is alleged to have committed suicide by

hanging. The role assigned to the petitioner is that she also used to come and prevail upon the deceased to do so.

Learned counsel for the petitioner Mr. Vivek Kumar Thakur, Advocate inter alia contends that the petitioner is behind bars for almost two-and-a-half months and was married much prior to the marriage of the deceased and was residing at her matrimonial home and there is neither any allegation for instigating or abetment to suicide by the deceased, and therefore, on the grounds that the trial is not likely to be accomplished in the near future, prayed for grant of the bail to the petitioner.

On behalf of the State, Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Surjit Singh, Police Station Sadar Kapurthala has duly conceded to the facts brought to the notice of this Court by learned counsel for the petitioner, however, has sought to strongly oppose the grant of relief on the grounds of heinousness of the offence and seriousness of allegations and the apprehension of the State that if allowed bail there is every likelihood that the petitioner might stifle the trial.

Appreciating the arguments of the two sides, a bare perusal of the FIR would reveal that a debatable issue arises over the very culpability, if any, assigned to the petitioner. The petitioner, being a married sister of husband of the complainant and residing at her own home and the role assigned to her, a debatable issue certainly arises over the applicability of Section 306 IPC which can only be adjudicated at the

trial which is likely to take a long time to conclude. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 10, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No