

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

268

CRM-M-27822-2019 (O & M)
Date of Decision:11.07.2019

Sonia @ Tola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jagmohan Bansal, Advocate for the petitioner.

Ms. Rajni Gupta, Senior DAG, Punjab.

Mr. Siddharth Gupta, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.85 dated 10.05.2019, under Section 306 IPC, registered at Police Station Canal Colony, Bathinda.

The FIR was registered on the basis of the statement given by Jagjit Kumar, wherein he alleged harassment to his son Vicky, who had committed suicide on 10.05.2019. The FIR reads as under:-

“Copy, Statement of Jagjit Kumar S/o Ramesh Kumar resident of Street No.8, Gopal Nagar, Bathinda aged about 48, Mobile No.8557957400. Stated that I am residing at above said address and runs a autorickshaw. I have five children having three sons & two daughters.

Elder daughter namely Neha is married. Son younger to her namely Vicky is doing labour work. Sonia @ Tola daughter of Gian is residing in my neighborhood and already took divorce from first marriage. There is a dispute with the husband of second marriage and is residing with her parents alongwith her child. For the last one year, Sonia @ Tola induced his son Vicky in her love affair and she was harassing my son to give expenses for her livelihood. In case he fails, she will defame him and made a complaint to the police. My son had informed me about this. Today at 10 PM Sonia @ Tola visited my house and give threatened to my son and on being fed up my son has ended his life by hanging on a rood fan in house. Sonia @ Tola is responsible for death of my son, therefore, legal action should be taken against her. Statement is recorded and heard. Same is correct.”

Learned counsel for the petitioner contends that deceased-Vicky was neighbour of the petitioner and was at least 14 years younger to the petitioner. He submits that Sonia was already married and her dispute was going on with her husband. She after separation with her husband was residing at parental house along with her children. It is contended that the alleged suicide was voluntary act on the part of the victim and there is no evidence of abetment to suggest involvement of the petitioner.

On the other hand, bail application is opposed by learned State

counsel as well as counsel for the complainant.

Learned counsel for the complainant contends that there is a direct allegation levelled by the complainant against the petitioner. However it is not disputed that the investigation is complete and the challan stands filed before the Court on 09.07.2019. However, he has opposed the bail on the ground that the evidence is yet to be adduced.

At this stage, learned counsel for the petitioner contends that the complainant is father of the victim and there is no possibility of winning over him. According to him, the trial is likely to take considerable time and therefore further custody of the petitioner may not serve any purpose.

Considering the above, the fact that the petitioner is a lady and the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

11.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No