

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215+107

CRM-M-27615-2019(O&M)

Date of Decision:29.11.2019

Javeda Begum

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vikas Mehsempuri, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

CRM-22457-2019

Prayer in this application filed under Section 439 Cr.P.C. is for modification of the head-note of the main petition, which was filed for offence under Section 306 IPC, but after presentation of challan, offence under Sections 304-B, 120-B IPC were also added.

Application is allowed, as prayed for.

CRM-M-27615-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner-Javeda Begum, aged about 67 years in FIR No.35 dated 30.03.2019 under Section 306 IPC (the offences under Sections 304-B and 120-B IPC were added later on), registered at Police Station Bhadson, Patiala.

Learned State Counsel has pointed out that during pendency of the present petition, offence under Section 316 IPC has also been added in the case.

Learned counsel for the petitioner prays for addition of offence under Section 316 IPC in the prayer clause as well as in the head note of the petition.

Ordered accordingly.

Registry is directed to carry out necessary corrections in the head note as well as prayer clause of the petition.

The aforesaid FIR was registered at the behest of Soudagar Khan, father of the deceased-Salma Begam. The marriage of the deceased was solemnized with Ravi Khan on 06.10.2018. The allegations against the accused including the petitioner are that the deceased used to be harassed and humiliated by them(accused) for dowry and when she was in her matrimonial house. Soon before death, she was dropped to her parents' house where she died.

Learned counsel for the petitioner has further argued that the petitioner is in custody since 10.04.2019 and post-mortem report of the deceased was conducted, but no such injury was found on her(deceased) person. In this manner, the deceased had died because of hanging.

Learned State Counsel does not dispute the custody period. However, after perusal of the post-mortem report and on instructions from ASI Harjinder Singh, submits that the post-mortem report was conducted on the person of the deceased on 31.03.2019 and injury on her person was not found, but she had died because of hanging.

Heard learned counsel for the parties.

The petitioner who is about 67 years of age, is in custody since 10.04.2019 and no injury has been shown in the post-mortem report, so as to establish the allegation of beating. Moreover, as against total 19 witnesses cited by the prosecution, no witness has been examined so far. Trial in case is not likely to be culminated in the near future. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

November 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No