

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

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CRM-M-28162-2019.

Date of Decision: 10.09.2019.

Shivani

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Pawan Sharda, Sr. Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner—Shivani wife of Late Tejinder Sharma, who has been arrayed as an accused in case F.I.R. No.38 dated 27.04.2019 under Section 306 of the Indian Penal Code, registered at Police Station Division No.1, Pathankot.

Learned counsel the representing petitioner contended that the petitioner got married with deceased Tejinder Sharma in the year 2015 and the relations between the life partners were strained throughout and thereafter, compromise was also effected and because of those relations, name of the petitioner was mentioned in the suicide note as well. Otherwise, there is no reason for the wife to torture and instigate the husband to commit suicide. Moreso, the petitioner is in custody since 27.04.2019 and

deceased Tejinder Sharma is living with the petitioner. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so she be released on bail.

Learned State counsel opposed the prayer for bail on the ground that the petitioner was named in the suicide note and there are clear cut allegations of abetment of suicide qua the present petitioner and the petition for regular bail be dismissed.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 27.04.2019, deceased and petitioner are having two years' daughter and she is also to be looked after and petitioner, being mother, is best suited person to look after the minor daughter; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Shivani, is ordered to be admitted to regular bail on her furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

10.09.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No