

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

CRM-M-34155 of 2019
Date of Decision:27.08.2019

Jyoti

....Petitioner

Versus

State of Punjab

.

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for seeking bail pending trial in case FIR No. 35 dated 21.04.2019, under Section 304 of the Indian Penal Code, registered at Police Station Sadar Raikot, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.04.2019 and after investigation in the matter report under Section 173 Cr.P.C. was submitted on 03.07.2019 and now the case is fixed for consideration of charges on 04.09.2019. Further contends that there is no other criminal case pending against the petitioner and the trial is likely

to take long time, hence, she be enlarged on bail.

The above factual position is duly acknowledged by learned State counsel on instructions from ASI Kulwant Singh and opposed the bail primarily on the ground that the petitioner had lodged FIR No. 84 dated 08.08.2013, under Sections 354, 354-A, 506 and 509 of the Indian Penal Code registered at Police Station Raikot against the deceased as well as his son-Binde and ultimately both were found innocent by the police after investigation. Subsequently also, deceased was threatened for false implication resulting into heart attack and died.

Heard learned counsel for the parties and perused the paper book.

This is not the case of the prosecution that Gurmeet Singh-deceased had lodged any complaint regarding the alleged humiliation or harassment at the instance of the petitioner. It has also been found that the cause of death in this case is cardiac arrest on account of shock, therefore, prima facie there is nothing on record to suggest that petitioner is responsible for commission of the crime in any manner.

In view of the fact that the petitioner, being a female, is in custody since 21.04.2019 and report under Section 173 Cr.P.C. was submitted on 03.07.2019 and now the case is fixed for consideration of charges on 04.09.2019, thus the trial is likely to take a long time to be concluded, no useful purpose would be served by keeping her behind the bars any more.

Therefore, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Jyoti be admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of the learned

trial Court/Duty Magistrate concerned.

[MAHABIR SINGH SINDHU]
JUDGE

August 27, 2019
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no