

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

CRM-M-34094-2019

Date of decision: 29.8.2019

KOMAL

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.62 dated 8.4.2019 under Sections 302/304-B/120-B of Indian Penal Code, 1860 registered at Police Station Patrana, District Patiala.
2. The FIR was lodged at the instance of Fauji wherein it has been alleged that his daughter Ramrakhi was married to Bheem Singh and that in fact even his younger daughter Manju was also married in the same house to Bhim Singh's brother namely Tarsem Singh. It is alleged that the in-laws of his daughters, however used to harass his daughters on the ground that they had brought less dowry. It is alleged that on 7.4.2019, the complainant received a phone call from his son-in-law Bheem Singh that

complainant's daughter Ramrakhi was ill and that they were taking her for medical treatment to Khanouri. Pursuant to the aforesaid information when the complainant went to matrimonial house of his daughter, he saw that his son-law Bheem Singh, Bheem Singh's mother Santosh Rani and his brothers Sarwan and Tarsem Singh were taking out Ramrakhi from a vehicle and made her lie on bed in the courtyard. When the complainant looked at his daughter she was found to be dead while bearing injury marks on her neck and other injury marks on other parts of her body. It is alleged that his daughter had earlier informed him that his sister-in-law i.e. Komal wife of Sarwan was having extra marital relations with her husband Bheem Singh. It is alleged that Bheem Singh, Santosh Rani, Sarwan, Tarsem, Komal and Sher Singh had all conspired together and had murdered complainant's daughter.

3. Learned counsel for the petitioner has submitted that complainant has implicated the entire family of his daughter's in-laws and that in any case the allegations as levelled in respect of petitioner Komal do not seem very plausible inasmuch as it is being alleged that Komal was having extra marital affair with complainant's son-in-law whereas Komal's husband was also residing in the same house. It has further been submitted that the petitioner in any case is carrying 31 weeks pregnancy. Learned counsel for the petitioner has today informed that the Doctor has now informed the due date of delivery as 31st of August, 2019.
4. Opposing the petition, learned State counsel has submitted that petitioner is specifically named in the FIR and since injury marks were found on the body of the deceased, no case for grant of anticipatory bail is made out.

5. I have considered rival contentions addressed before this Court. The present case is a case based mainly on circumstantial evidence. The petitioner is a lady who has been behind bars since the last about 4 months and is expected to deliver a baby during this month. The challan, in any case, has already been presented. Bearing in mind the facts and circumstances of the case and that the petitioner is expecting to deliver a baby, the petition, as such, is accepted and it is ordered that petitioner be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

29.8.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No