

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40650-2019

Date of Decision : September 27, 2019

Seema RaniPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.20 dated 23.3.2018 under Section 306 IPC registered at Police Station City Fazilka, District Fazilka.

Counsel for the petitioner submits that as per the allegations in the FIR, Vikas Sharma, deceased, husband of the complainant, had given Rs.8.00 lacs and a car to the petitioner for facilitating her son to settle abroad. Counsel for the petitioner has further submitted that much prior to the registration of the FIR, the petitioner has given a complaint on 13.12.2017 against deceased Vikas Sharma that he is threatening the petitioner. Counsel for the petitioner further argued that the car was purchased from him and in that regard the deceased has filed an affidavit.

Counsel for the petitioner submits that the petitioner is in custody since 2.9.2019 and stated the she is suffering from permanent disability and cannot walk properly.

He has relied upon the disability certificate dated 22.1.2009.

Learned State counsel, on instructions from ASI Sarabjit Singh has stated that the case is still at the stage of investigation.

Without commenting anything on the merits of the case, considering the aforementioned submissions made by the counsel for the petitioner and also considering the fact that petitioner-Seema Rani is a lady, who is suffering from permanent disability; the allegations of abatement are to be proved by the prosecution by leading evidence, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

September 27, 2019

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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO