

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-41160 of 2019

Date of Decision: November 07, 2019

Khushi Kandhari @ Savita Kapoor

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Amit Dhawan, Advocate, for the petitioner.

Mr. B.S.Sewak, Additional Advocate General, Punjab,
for the respondent.

Mr. P.S.Hundal, Senior Advocate, with
Ms. Namita Khandari, Advocate,
for the complainant.

Amol Rattan Singh, J. (ORAL)

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon having been arraigned as an accused in FIR No.181, dated 14.06.2019, registered at Police Station, Sohana, District SAS Nagar, alleging therein the commission of an offence punishable under Section 306 read with Section 34 of the IPC, her husband having committed suicide (as per case of the prosecution), on 14.06.2019.

Mr. P.S.Hundal, learned Senior Counsel appearing for the complainant, vehemently opposes the grant of such bail to the petitioner, on the ground that there were found to be marks of violence on the face and

chest of the deceased at the time of inquest proceedings, and consequently, it may not be simply a case of suicide. Hence, he submits that even though the petitioner may have been in custody for 05 months, she does not deserve to the concession of bail.

Having considered the aforesaid contention, what is to be noticed is that even as per the learned State counsel, at least as per the report submitted under Section 173 Cr.P.C before the competent court, the allegation therein is that the petitioner is guilty of the commission of an offence punishable under Section 306, read with Section 34 of the IPC.

That being so, without making any comment on the rights of the complainant to pursue her legal remedy qua any grievance she has, but seeing the fact that the petitioner has been in custody for the past 05 months in respect of the aforesaid offence, with the trial to virtually still begin, with no prosecution witness having been examined, the petition is allowed. The petitioner would be enlarged on bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

(AMOL RATTAN SINGH)
JUDGE

November 07, 2019
adhikari/atul

Whether reasoned/speaking: Yes/no
Whether reportable: Yes/no