

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

**Crl. Misc. No.M-48668 of 2019 (O&M)
Date of Decision: November 21, 2019**

Seema

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.S. Jatana, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 122 dated 18.06.2019 registered for the offences punishable under Section 304 read with Section 34 of Indian Penal Code, at Police Station Canal Colony, Bathinda District Bathinda.

Heard.

Notice of motion.

On asking of the court, Mr. Amitoj Singh Dhaliwal, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, Jyoti (deceased), who was

working in an orchestra, was living on rent in the house of Seema

(petitioner) wife of Arvinder Kumar. In order to usurp her income, petitioner Seema in connivance with Swaranjeet Kaur @ Gagan and Manpreet Singh @ Manna administered her intoxicant and she became drug addict. The complainant, who was in friendship with Jyoti (deceased), was also made an addict. On coming to know, parents of complainant started his treatment. Whenever Jyoti demanded her money from Seema, Swaranjeet Kaur @ Gagan and Manpreet Singh @ Manna, they administered intoxicant to her. Due to overdose of narcotics, Jyoti was got admitted in Civil Hospital, Bathinda, where she died.

Learned counsel for the petitioner submits that as per allegations in the FIR, Jyoti had died due to overdose of intoxicant. The petitioner is not involved in trade of narcotics and has no other case registered against her. She was arrested on 18.06.2019. After completion of investigation challan against her has been presented in Court, as such, her custodial interrogation is no more required and no purpose will be served by keeping her in custody. Moreover, co-accused Swaranjeet Kaur @ Gagan has already been granted regular bail by this Court vide order dated 15.10.2019 passed in CRM-M-30451-2019.

Applying the principle of parity and keeping in view the fact that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Seema is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- b. In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. She shall not leave the country without prior permission of the Court.

November 21, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No