

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

CRM-M-50339 of 2019.

Decided on:- December 02, 2019.

Sunita Devi.

.....Petitioner.

Versus

The State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Shehbaz Thind, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.126 dated 30.12.2017 under Sections 302 and 304-B read with Section 34 IPC registered at Police Station Kotwali Nabha, District Patiala.

Learned counsel for the petitioner has argued that the petitioner is in custody since 03.01.2018 and as against total 18 witnesses cited by the prosecution, only 2 witnesses have been examined, though 2 other witnesses have been given up. In this manner, the trial is not likely to be concluded in near future. Moreover, the deceased had died because of hanging. He has referred to the statement of Dr. Gurwinder Singh (PW2), wherein the doctor has opined the cause of death as asphyxia and venous congestion as the result of hanging which was *ante mortem* in nature and sufficient to cause death in ordinary course of nature.

Learned State counsel, on instructions from ASI Buta Singh, states that the deceased, who was married with the son of petitioner on

03.05.2017 had died on 28.12.2017 and in this manner, within 7 months of the marriage. Therefore, the petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

The allegation against the petitioner are that she along with other co-accused used to demand motorcycle and Rs.2 lakh in cash from the deceased and for this reason, she had committed suicide. Thus, the culpability of the petitioner is yet to be decided during the trial. As against 18 witnesses cited by the prosecution, only 2 witnesses have been examined, though 2 other witnesses have been given up. In this manner, the trial is not likely to be concluded in near future. The petitioner being a lady is in custody since 03.01.2018. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 02, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No