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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6378 of 2020
Date of decision: May 21, 2020

Sukhdeep Kaur and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. Luvinder Sofat, AAG Punjab.

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MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioners, in FIR No.199 dated 16.12.2019, under Sections 306, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Jalandhar, District Jalandhar.

As per prosecution case, Gurpreet Singh committed suicide by hanging himself due to threats and harassment by his in-laws along with the petitioners.

Contends that the petitioners are in custody since 17.12.2019. Also contends that as a matter of fact, on the date of alleged occurrence when son of the complainant, namely Gurpreet Singh (since deceased) committed suicide, petitioner No.2 was not present as she was residing with her parents due to some materimonial

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differences with Gurpreet Singh. Further contends that after investigation, challan was presented on 13.02.2020 and charges are yet to be framed. It is also contended that the allegations against the petitioners are that the deceased committed suicide on account of depression resulting due to materimonial discord and the same cannot be construed as an offence under Section 306 IPC.

On the other hand, learned State counsel has opposed the prayer and submitted that *prima-facie*, offence under Section 306 IPC is made out against both the petitioners, therefore, they are not entitled to the benefit of concesion of bail.

Heard both sides and perused the paper-book.

Concededly, both the petitioners are in custody since 17.12.2019 and after investigation, challan has already been presented on 13.02.2020. Also it is undisputed fact that the marriage of petitioner No.2 was solemnized on 13.10.2018 with deceased (Gurpreet Singh) and after that she left her matrimonial home and started living with her parents. On the date of alleged occurrence, petitioner No.2 was not present at the place of occurrence. Since the investigation is already over and both the petitioners are female and charges are yet to be framed; therefore, further incarceration of the petitioners would not serve any purpose.

In view of the above, this petition is allowed. Petitioners are ordered to be released on bail, in this case, on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

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The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioners shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 21, 2020
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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No

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