

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

CRM-M-9036 of 2020.

Decided on:- March 06, 2020.

Gurmeet Kaur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Ms. Mannat Anand, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.151 dated 13.08.2019 under Section 306 IPC registered at Police Station Sadar Patiala, District Patiala.

As per the FIR, the marriage of deceased was solemnised with Ravinder Singh in February, 2010 and out of this wedlock, there is a son aged about 8 years. The complainant has alleged that accused Ravinder Singh, petitioner Gurmeet Kaur, who is mother-in-law of the deceased, accused Balkar Singh, who is uncle (Chacha) of Ravinder Singh and Jaswinder Kaur, who is aunt (Chachi) of Ravinder Singh used to live together and had been harassing the deceased. The birthday of Sukhmandeep Singh i.e. son of

Ravinder Singh and the deceased was to be celebrated on 27.08.2019 and the family of the accused had been demanding money from the deceased. This fact was brought to the notice of her parental family by the deceased. On account of harassment and cruelty, the deceased had died on 13.08.2019 by committing suicide.

Learned counsel for the petitioner has argued that it is after more than 9 years, the allegations of demand of money for celebration of the birthday of the son of the deceased is unrealistic. The birthday was to be celebrated on 27.08.2019, whereas she committed suicide on 13.08.2019. There is no specific allegation against the petitioner for having abetted the commission of suicide by the deceased. The deceased had not left any suicide note. The entire family has been roped in the case, though during investigation, the other co-accused, namely, Balkar Singh (uncle), Jaswinder Kaur (aunt) and Gurtej Singh (cousin brother) of Ravinder Singh husband of the deceased have been found innocent. The petitioner is about 60 years of age and is in custody since 14.08.2019.

While drawing attention of this Court to the post-mortem report of the deceased, learned counsel for the petitioner has contended that there was ligature mark in the form of reddish colour abrasion going obliquely front of neck upwards and backwards from left side of neck into posterior hair line on dissection underlying tissue and vessels crushed with parchment like appearance on the body of the deceased. Besides this, there was no other injury on the body of the deceased.

Learned counsel for the complainant has submitted that the present is not a case of suicide/hanging, rather, it is a case of strangulation

and since the very investigation was defective, the complainant has approached this Court by way of *CRM-M-8889 of 2020* titled as *Bhupinder Singh Versus State of Punjab and others* so as to get the FIR converted into Section 302 IPC.

Learned State counsel does not dispute the custody of the petitioner and the fact that three other co-accused, namely, Balkar Singh, Jaswinder Kaur and Gurtej Singh have been found innocent during the course of investigation.

I have heard learned counsel for the parties.

For the similar set of allegations, co-accused Jaswinder Kaur (aunt/Chachi Saas) of the deceased has been admitted on bail by this Court vide order dated 13.09.2019 vide *CRM-M-37370 of 2019* titled as *Jaswinder Kaur Versus State of Punjab*. The argument of learned counsel for the complainant that the present is a case of strangulation and for this reason, the complainant has approached this Court so as to get the FIR converted into Section 302 IPC, cannot be entertained at this stage, unless the offence under Section 306 IPC is converted into Section 302 IPC.

Considering the fact that the petitioner is about 60 years of age and is in custody since 14.08.2019 coupled with the fact that there being no other injury on the person of the deceased except as referred in the post-mortem report and has been mentioned above, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bail bonds 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.

March 06, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No