

CRM-M-12741-2020 (O&M)

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

**CRM-M-12741-2020 (O&M).
Decided on: June 11, 2020.**

Amandeep Kaur

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Narinder S. Lucky, Advocate,
for the petitioner.**

Mr.H.S.Grewal, Addl. A. G. Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in FIR No.37 dated 13.04.2019, under Sections 306 and 34 IPC, registered at Police Station, Lambran, District Jalandhar.

The allegations as contained in the FIR are that the petitioner who is second wife of deceased namely Amarjit Singh had abetted

CRM-M-12741-2020 (O&M)

the suicide of Amarjit Singh and before committing suicide, said Amarjit Singh had also written a suicide note and also made a video clip in that regard.

Learned counsel for the petitioner has submitted that on the perusal of the FIR, it is clear that the allegations only pertain to harassment and not abetment. He has further submitted that earlier petition filed by the petitioner vide CRM-M-638-2020, was dismissed by this Court on 17.2.2020, on the ground that as per the suicide note, there was an element of abetment involved and therefore, prima facie case was made out against the petitioner. He has further submitted that present petition for regular bail has been filed on the basis of changed circumstances which are as under: -

(1) At that point of time, it was not brought to the notice of the Court that there was a newly born child from the first marriage of the petitioner, who is now aged about 2 years and is in the custody of the petitioner in the jail.

(2) The charges in the present case were framed on 10.9.2019 and out of 17 witnesses cited by the prosecution, none has been examined and the next date of hearing fixed before the trial Court is 29.6.2020.

According to the learned counsel for the petitioner, in view of the fact that the child is of very small age and the State as well as the entire country is facing Covid – 19 epidemic, there is every likelihood that the child may contract infections. He has further submitted that due to

CRM-M-12741-2020 (O&M)

Covid – 19 epidemic, there are very bleak chance of trial Court recording the statements of prosecution witnesses for number of months and therefore, he has prayed that petitioner be released on regular bail.

On the other hand, learned State counsel has submitted that it is correct that the charges have already been framed and none of the cited prosecution witness has been examined so far and in view of the present epidemic situation in the State, the trial may not commence for large number of months. Learned State counsel has also not disputed that the petitioner is having the custody of 2 years old child who is with her in the jail.

I have heard the learned counsel for the petitioner as well as the learned State counsel through video conferencing and have gone through the soft copy of the record of the case.

It is correct that earlier bail petition filed by the petitioner was dismissed by this Court on 17.2.2020 and now in the second bail petition moved by the petitioner, it appears that there are two changed circumstances on the basis of which this Court can consider the second application on merits.

So far as the first issue with regard to custody of two years old child with the petitioner in jail is concerned, the same can be considered in view of the Covid – 19 epidemic in the State. So far as the second issue regarding commencement of the trial is concerned, the same also merits consideration.

Therefore, considering the totality of the circumstances

CRM-M-12741-2020 (O&M)

and considering the stage of Covid – 19 epidemic which is prevailing in the State, I deem it fit and appropriate to admit the petitioner on regular bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on her furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, Jalandhar.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

June 11, 2020.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No