

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M No.15676 of 2020 (O&M)
Date of decision : July 03, 2020**

Sarabjit Kaur **Petitioner**

Versus

State of Punjab **Respondent**

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Karan Chaudhary, Advocate for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.45, dated 21.05.2020, under Sections 306 and 34 IPC, registered at Police Station Purana Shalla, District Gurdaspur, Punjab.

Learned counsel for the petitioner submits that the petitioner has been wrongly roped in the FIR keeping in view the complaint made by the elder brother of the deceased, namely, Ashok Kumar. Learned counsel for the petitioner further submits that there is no material such as suicide note, which would *prima facie* show that the petitioner harassed the deceased due to which deceased Atul Kumar committed suicide. Learned counsel for the petitioner further submits though, there was matrimonial dispute between the petitioner and the deceased but it was not to that extent, which would lead the deceased to commit suicide for which the petitioner is to be held responsible.

Learned counsel for State, on instructions from ASI Amrik Singh, states that the investigation is being done on the basis of the complaint filed by the complainant Ashok Kumar, wherein the allegations of harassment have been alleged against the petitioner and her mother. Learned State counsel admits that there is no suicide note left behind by the deceased accusing the petitioner for harassment.

Learned counsel for the complainant, who also appears through video conference, states that it was the petitioner and her mother, who harassed deceased Atul Kumar to such an extent that he committed suicide. Learned counsel for the complainant further states that the petitioner was having illicit relations and in case the petitioner is granted the bail at this stage, she is likely to interfere with the investigation.

I have heard learned counsel for the parties and have also carefully gone through the case file.

It is not disputed that the allegations alleged against the petitioner have been made by the elder brother of the deceased, namely, Ashok Kumar. Further, it is an admitted fact that the deceased had left behind no suicide note to substantiate any allegations against the petitioner with regard to harassment. The allegations of harassment, which have been alleged by the elder brother of the deceased, are yet to be proved.

As far as argument of the learned counsel for the complainant that the petitioner was having illicit relations due to which the deceased committed suicide is concerned, the same does not find mention in the complaint. The said argument has been taken now and that too without any corroborating fact, hence the same cannot be taken into consideration at this

stage for considering the prayer of the petitioner for the grant of regular bail, as those are yet to be proved during trial.

Further, the petitioner has two children aged about 10 and 7 years and there is no one to look after them and in the present scenario of COVID-19, no useful purpose would be served by keeping the petitioner behind bars.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

Learned counsel for the petitioner undertakes that the petitioner will not influence the trial in any manner, including influencing the witnesses and in case of default of undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

July 03, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No