

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-32921 of 2020

Date of Decision: 24.11.2020

Paramjit Kaur alias Kakne

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Hem Raj Kapil, Advocate
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. Munish Raj Chaudhary, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.0122 dated 12.08.2020 under Sections 306, 34 IPC registered at Police Station Sadar Barnala, District Barnala.

The present FIR has been registered against the accused on the ground that deceased, who is wife of the complainant Gurjit Singh, has committed suicide on abetment of accused persons namely Veerpal Kaur, Binder Kaur and Chamkaur Singh. As per the allegations made against the

accused persons, the deceased used to visit a girl (Joti) in the neighbourhood for sewing of clothes. The accused persons had spread the rumor that deceased had managed to get her (Joti) to talk to a boy on telephone. In order to make the accused persons to prove the said allegations, the deceased called all the accused near her house, due to which the accused quarreled with the deceased and put pressure upon her. However, when the complainant tried to stop the said ladies, Chamkaur Singh started supporting his wife and the deceased also lost her cool and stated that either they should prove the allegations or she will commit suicide. At this, the petitioner-accused also instigated the deceased to commit suicide and brought a bottle of insecticide and threw the same at the gate and challenged the deceased to commit suicide by consuming the same. Upon this, the deceased consumed the insecticide and committed suicide.

Learned counsel for the petitioner has argued that the petitioner is in custody since 12.08.2020 and after filing the present petition, he has been shifted to Bathinda jail. The other co-accused namely Veerpal Kaur, Binder Kaur and Chamkaur Singh are already on bail. Learned counsel for the petitioner has further argued that the complainant, who happens to be the husband of the deceased, was also present at the scene of occurrence and no effort whatsoever was made by him to save the deceased from taking such an extreme step of commission of suicide. Since only challan has been presented in the case and trial in the case will take long time, the petitioner be released on bail.

Learned counsel for the complainant has argued that the petitioner and other co-accused have made the deceased to consume the insecticide which caused her death and therefore, the petitioner is not entitled for bail.

Learned State counsel does not dispute the custody of the petitioner .

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 12.08.2020 and the other co-accused are already on bail and trial in the case is not likely to be concluded in near future, as only challan has been presented in the case and culpability of the petitioner is yet to be decided during trial, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not construe as expression of any opinion on the merits of the case. The petitioner shall not influence the witnesses in any manner.

November 24, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No