

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.229

CRM-M-36774-2020

Date of decision: 21.12.2020

Sarita

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.88 dated 08.09.2020 registered under Sections 306/34 IPC at Police Station S.G.N. Dev Thermal Plant, District Bathinda.

Learned counsel for the petitioner submits that the petitioner who is a lady aged 43 years has been falsely implicated in the case; there is no other criminal case in which the petitioner is involved; the petitioner has already been in custody for over 3½ months; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; the alleged suicide note on which the case of the prosecution was primarily based has not been even appended with the challan and that the trial which is yet to begin will take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the fact that the suicide note is not part of the challan but opposes the grant of bail to the petitioner on the ground that the petitioner has abetted her son-in-law's suicide by continuously harassing and threatening him.

Admittedly, the suicide note on which the case of the prosecution was primarily based is not a part of the final report filed by the State under Section 173 Cr.P.C.

Whether the alleged acts of harassment by the petitioner would constitute abetment under Section 107 IPC would be debated during the course of the trial. However, the petitioner, who is 43 years old lady, has already been custody for the last over 03½ months; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to begin is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 21, 2020

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No