

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

CRM-M-38283-2020
Date of decision: 24.11.2020

Manjit Kaur @ Mahi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Gopal Singh Nahel, Advocate for the petitioner.
Mr. Sidakmeet Sandhu, AAG, Punjab.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

Petitioner prays for a regular bail under Section 439 of Cr.P.C.
in FIR No.64, dated 08.03.2020, under Section 306 IPC, registered at Police
Station, Sadar Dhuri, District Sangrur.

In brief, the case of the prosecution has been that petitioner
Manjit Kaur @ Mahi had an affair with deceased Komalpreet Singh. But on
07.03.2020, she refused to solemnize marriage with him, and on 08.03.2020,
the dead body of Komalpreet Singh was found hanging with a tree near a
canal situated on Dhuri-Benra road. And, pursuant to her disclosure
statement, the mobile phone of the deceased was also recovered from her
possession.

Learned counsel for the petitioner submits that there exists
nothing to even infer from if there was any abetment by the petitioner
because of which deceased Komalpreet Singh committed suicide. No such
inference could be drawn either even from the statements of Amandeep Kaur
wife of Karamjit Singh, Rani wife of Balwinder Singh and Bhupinder Kaur

alias Bhinder wife of Pargat Singh, who happened to be the neighbours of the petitioner. For, all what they have stated is: on 07.03.2020, at around 7:00 pm, there was a quarrel between the two and the petitioner had turned Komalpreet Singh out of her room saying that she did not want to marry him. It is urged that concededly the petitioner is married to Gurmeet Singh, and even though she had strained relationship with her husband, but her marriage still subsists. Thus, it could hardly be presumed, for the petitioner did not consent to marry the deceased, offence under Section 306 Cr.P.C. is made out against her. He submits that petitioner is in custody since 10.03.2020, and a period of almost 9 months had gone by.

Notice of motion.

Mr. Sidakmeet Sandhu, learned Assistant Advocate General appearing for the State of Punjab, accepts notice on behalf of the respondent-State. He submits that although the challan has been presented on 09.06.2020, but out of 21 prosecution witnesses none has been examined so far.

In the wake of the above, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

24.11.2020
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO