

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

217-1

CRM-M-6076-2021 (O & M)
Date of decision:22.03.2021

CHARANJIT KAUR

... PETITIONER

Vs.

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Rajnish Gupta, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.138, dated 08.11.2020 registered under Sections 306, 506 and 120-B IPC, 1860, at Police Station Bhadson, District Patiala.

FIR in question has been registered on the complaint of Kamalpreet Kaur, daughter of the deceased alleging therein that her father, Surjit Singh, was being harassed by Charanjit Kaur (present petitioner), who is his daughter-in-law, Navjot Kaur (grand daughter), Gurpreet Singh (husband of Navjot Kaur) and Parvinder Singh (father of Gurpreet Singh). Besides these four accused, two other persons namely, Kulwant Singh and Gurpreet Singh have also been named as accused on

the allegation that Kulwant Singh had defrauded him and sold his land to Gurpreet Singh.

Counsel for the petitioner has contended that the husband of the petitioner (son of the deceased) had expired on 14.04.2019 and since then her father in law, the deceased, was staying with her. The daughter of the petitioner got married to Gurpreet Singh on 09.12.2019 and her husband started staying with them as a '*gharjamai*'. Counsel submits that thereafter certain disputes arose in the family, as a result of which the deceased left the house on 26.08.2020. He instituted civil suit on 28.09.2020, Annexure P-4, against the petitioner, her daughter and son-in-law regarding the agricultural land and electric connection thereon. On 07.11.2020, the deceased allegedly committed suicide. Counsel submits that the petitioner has been roped in on the basis of suicide note produced by the husband of the complainant alleging that the same was found in the '*dicky*' of the scooter belonging to Surjit, wherein all six of the accused have been named. It is his argument that the recovery of suicide note is surrounded in suspicion and its authenticity is yet to be determined as it has been sent to the forensic laboratory, and the report is awaited. He further submits that the petitioner, who was arrested on 08.11.2020, is a 50 years old widow, investigation qua her is complete, challan has been presented and the trial is likely to take time to conclude.

Per contra, learned State counsel upon instructions from ASI Balkar Singh, assisted by Mr. Rajnish Gupta, Advocate for the complainant have opposed the petition. Counsel for the complainant has referred to the civil suit, Annexure P-4, filed by the deceased, who submits that the deceased was being harassed at the hands of the

petitioner, her daughter and son-in-law, as a result of which he was compelled to leave home and stay with his daughter. Still further, he has referred to a video CD (Annexure R-1) of the dying declaration allegedly recorded by the husband of the complainant, which, according to him, has been submitted to the Investigating Agency, though they have not taken notice of the same. As per instructions received by the State counsel challan against the petitioner has been presented on 05.01.2021, though the charges are yet to be framed. He has filed custody certificate dated 22.03.2021, which is taken on record.

I have considered the rival submissions of the parties.

The veracity and genuineness of the alleged suicide note is yet to be ascertained. The video CD on which reliance has been placed by the complainant is yet to be enquired into by the Investigating Agency.

Keeping in view the above facts and circumstances, nature of allegations, considering the period of incarceration, gravity of offence and the fact that the petitioner is a 50 years old widow and that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

22.03.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No