

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

(207)

CRM-M-5777-2021

Date of Decision: February 15, 2021

Kulwant Kaur

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab.

Mr. M.S. Basra, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.24 dated 02.04.2020 under Section 304-B of the Indian Penal Code registered at Police Station Sekhwan, Police District Batala, District Gurdaspur, Punjab.

Learned counsel for the petitioner argues that the petitioner has wrongly been roped in the present FIR by making allegations whereas, there were temperamental differences between the couple and the petitioner, who is the mother-in-law of the deceased had no role to play. Learned counsel for the petitioner further argues that the son of the petitioner is working in the Army and the deceased was also suffering from a skin disease for which she was undergoing the treatment and was depressed because of the same. Learned counsel for the petitioner argues that the petitioner is behind the

bars since 02.04.2020 and the complainant's testimony has already been recorded.

Notice of motion.

Mr. Prabhjot Singh Walia, learned Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. M.S. Basra, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Custody certificate of the petitioner has been filed by the learned State counsel and the same is taken on record.

Learned counsel for the respondent-State submits that there are serious allegations against the petitioner of demand of dowry and also of cruelty as well as harassment of the deceased and therefore, the prayer of the petitioner for the grant of regular bail may kindly be rejected.

Learned counsel for the respondent-State concedes that the complainant's testimony has already been recorded.

Learned counsel for the complainant submits that releasing of the petitioner, at this time, will give a wrong signal as the petitioner is accused of maltreatment and cruelty upon deceased.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations in the FIR are yet to be proved. Before proving of the allegations, the petitioner cannot be held guilty of the allegations. The complainant has already been examined and the trial is likely to take some more time before the same is completed. No useful purpose will be served

in keeping the petitioner behind the bars who is more than 55 years of age throughout the trial on the basis of allegations alleged in the FIR.

Learned counsel for the petitioner has undertaken that the petitioner will not influence the trial in any manner.

Keeping in view the facts and circumstances noticed hereinbefore, the petitioner has made out a case for the grant of regular bail.

In view of the above and 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.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, 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

February 15, 2021
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No