

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-7800-2021

Date of decision:- 14.09.2021

Jasvir Kaur @ Sheero

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in case FIR No.68 dated 13.06.2020 under Sections 306 and 506 of the Indian Penal Code, 1860, registered at Police Station Sadar Kotakpura, District Faridkot (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been lodged on the statement of Balvir Singh, father of Jagdev Singh (deceased), on the allegation that Jasvir Kaur @ Sheero (present petitioner) is the daughter-in-law of his uncle and after the death of her husband, she used to frequently come to their house. She wanted to marry his elder son, Jagdev

Singh, and even after he got married to Jaspreet Kaur, she kept on visiting them, resulting in acrimony between his son and daughter-in-law. Despite the fact that a Panchayat was organized, the petitioner did not refrain herself and used to abuse them and threatened the grandchildren of the complainant, as a result of which Jagdev Singh used to remain under depression. He committed suicide on 13.06.2020.

Counsel for the petitioner has submitted that the deceased did not leave behind any suicide note and besides the bald allegations levelled against her by the complainant, there is no incriminating material against the petitioner. It has been argued that no overt or covert act has been attributed to the petitioner. He submits that there is no allegation of any instigation against the petitioner and there is no abetment on her behalf attracting the mischief under Section 107 IPC and the offence under Section 306 IPC is not made out. He asserts that the petitioner, who is a young widow of 36 years of age and is in custody since 16.06.2020, is no longer required for custodial interrogation, as the challan has been presented, charge has been framed and the prosecution evidence is underway.

Opposing the petition, learned State counsel, upon instructions from SI Sukhwinder Singh submits that the petitioner has been specifically named by the complainant and there are categorical allegations against her. By referring to the reply filed by way of an affidavit of Deputy Superintendent of Police, Sub Div. Kotkapura, District Faridkot on behalf of the State, he submits that though no poison was detected by the Chemical Examiner, but the cause of death has been described as Asphyxia as a result

of Antemortem Hanging, which is sufficient to cause death, in the ordinary course of nature. As per his instructions, challan has been presented on 11.08.2020, charge has been framed on 02.12.2020 and four out of sixteen prosecution witnesses including the complainant have been examined.

Heard.

Having considered the facts and circumstances, this Court is of the view that as the allegation of abetment to commit suicide would remain debatable, trial is likely to take time to conclude and the petitioner, who is a young widow, and has suffered incarceration for the last more than one year and two months, would be entitled to be released on bail during the pendency of the trial.

Without commenting upon the merits and de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner, namely, Jasvir Kaur @ Sheero, is ordered to be released on bail on her furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

14.09.2021
Kamal

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