

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

201

CRM-M-6635-2020

Date of Decision:18.11.2021

PARAMJIT KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.72 dated 07.12.2019, registered under Sections 306 and 34 of IPC, 1860, at Police Station Patara, District Jalandhar Rural.

As per the version of the prosecution, FIR, came to be registered on the statement of Balwinder Singh on the allegation that after the death of husband of her daughter, Meena Kumari, in a road accident, she was married to Rakesh Kumar, brother of the deceased and a son was born out of the wedlock. Rakesh Kumar was in a physical relationship with Paramjit Kaur @ Sapna (present petitioner), due to which there was constant bickering between Meena Kumari and her husband. It has been alleged that on 06.12.2019, Paramjit Kaur (present petitioner) picked up a quarrel with Meena Kumari and on 07.12.2019, the complainant was informed by a neighbour that his daughter has committed suicide by consuming poison.

Counsel for the petitioner submits that the offence under Section 306 IPC is not made out as no overt or covert act has been attributed to the petitioner attracting the mischief of Section 107 IPC. He submits that the deceased did not leave behind any suicide note and the prosecution does not possess any incriminating material against the petitioner. He submits that pursuant to the order passed by this Court on 05.03.2020, the petitioner has joined the investigation and is no longer required for custodial interrogation.

Heard.

While granting interim protection to the petitioner on 05.03.2020, this Court passed the following order:-

“Learned counsel for the petitioner has argued that Meena Kumari (since deceased) was married with Sita Ram. However, after the death of Sita Ram, she had solemnized marriage with Rakesh. The allegation against the petitioner is that she had relations with Rakesh and, therefore, the deceased Meena Kumari had committed suicide by consuming poison.

Adjourned to 15.05.2020.

In the meantime, in the event of arrest of the petitioner, she shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Upon instructions from ASI Chanchal Singh, State counsel has admitted the fact that the petitioner has joined the investigation, supplementary challan has been presented qua the petitioner on 22.05.2020,

charges have been framed against both the accused and trial is pending for evidence of prosecution witnesses.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 05.03.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

18.11.2021
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(SUVIR SEHGAL)
JUDGE

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