

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.21490 of 2021

Date of Decision: June 08, 2021

Ashu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narender Singh Kamboj, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.68 dated 19.06.2020, under Section 306 IPC, 1860, registered at Police Station, Sadar Faridkot, District Faridkot. The petitioner is in custody since her arrest on 19.06.2020.

The above FIR was registered on the complaint of Dalbir Singh, wherein it was alleged that the marriage of his son Kulwinder Singh was solemnized with Muskan about one year ago and out of the said wedlock, a daughter was born. Muskan used to quarrel with the son of the complainant. On the fateful day, at about 11.00 a.m., parents of Muskan, namely, Veena, Gurdeep Singh and Mamta came to the house of the complainant. Ashu (mother of Muskan) abused the son of the complainant and called him impotent. They all hurled abuses to the complainant and mother of Muskan slapped the complainant twice, and beatings were given by

other persons to him as well as his son. Being felt humiliated, the son of the complainant consumed poison resulting into his death. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that as a result of matrimonial dispute between the daughter of the petitioner and her husband (Kulwinder Singh), the victim voluntarily ended his life by consuming poison. According to him, the other co-accused of the petitioner have already been released on regular bail vide different orders attached with the petition as Annexures P-2 to P-6. He submits that the investigation of the case is complete, but the trial is yet to commence, therefore, he prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Sukhpal Singh, on the ground that the case of the petitioner is distinguishable as she slapped the complainant and the victim felt humiliated and ended his life. According to him, this amounts to abetment. However, it is not disputed that the other co-accused of the petitioner have been released on bail and the investigation of the case is complete.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and the fact that all material witnesses are either the close relatives of the victim or the police officials and there does not seem to be any possibility of their being won over, this court does not find any ground to decline the prayer. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the governments of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would

further delay the conclusion of trial. Thus, his further detention behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 19.06.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Faridkot.

June 08, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No