

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.27089 of 2021

Date of Decision: July 23, 2021

Rimpy @ Mona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.D.Sachdeva, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.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.35 dated 05.03.2021, under Sections 306 and 34 IPC, 1860, registered at Police Station, Goraya, District Jalandhar, who is in custody since her arrest on 05.03.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Jalandhar in his order dated 29.04.2021, are as under:-

“On 05.03.2021, Raj Kumari-complainant made statement to the police to the effect that she was present at her in laws village Hussainpur and received a telephonic call from her sister Manjit Kaur that their brother Kehar Chand has taken some poisonous medicine and also given such poisonous medicine to his son Ekam aged about 9 years and daughter Prabhjot aged about 11 years. They have been taken to DMC Hospital Ludhiana. She went there. Kehar Chand and his children Ekam and Prabhjot died. Kehar Chand had a minor dispute with his wife Rimpy @ Mona about 1½ month back and

she had gone to her parental house. Compromise was got effected on 31.01.2021. Kehar Chand had gone to take Rimpay @ Mona on 01.02.2021 as per compromise but she refused to accompany him and he was insulted. Mona threatened to see him in court and Kehar Chand could not tolerate this. Today i.e. on 05.03.2021 at about 11 AM, due to harassment given by Rimpay @ Mona, he has killed his children and thereafter himself also by taking poison. Action be taken.”

Learned counsel for the petitioner has argued that the co-accused of the petitioner have been granted the concession of regular bail by this court vide order dated 07.07.2021 (Annexure P-3), and the case of the petitioner is also similar. He submits that the petitioner was married to Kehar Chand (victim) twelve years back, but because of matrimonial dispute, they got separated in December, 2020. According to him, petitioner filed a petition under Section 125 Cr.P.C. for maintenance and thereafter the victim allegedly ended his life and also killed his own children. Learned counsel has further argued that in the given facts, it would be debatable if the statutory remedy adopted by the petitioner can be construed as an abetment and as the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Harjit Singh as well as learned counsel for the complainant and submitted that the petitioner and her co-accused abetted Kehar Chand to end his life. However, it is not disputed by him that the co-accused have been released on regular bail.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the co-accused have been granted the concession of regular bail, this court is of the

opinion that further custody of the petitioner, who is in custody after her arrested on 05.03.2021, may not be necessary as the trial is likely to consume considerable time to complete. The material witnesses are either close relatives of the victim or the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are 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/CJM/Duty Magistrate, Jalandhar.

July 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No