

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

107

**CRM-M-27345-2021
Date of decision: 03.08.2021**

Kamaljit KaurPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.82 dated 25.05.2021 registered under Section 306 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Mahilpur, District Hoshiarpur.

The above-said FIR was registered on statement of complainant-Ajay Kumar who alleged that his son Deepak Kumar fell in love with the petitioner for about three years. To get rid of the same they sent their son to Dubai but the petitioner called him back after three months. Despite repeated attempts by them, the petitioner did not break up her affair with his son and threatened to shoot him through her hireling. On 24.05.2021 his son told him that the petitioner had forcibly taken away his mobile phone which made him very unhappy with his

life and thereafter his son committed suicide by consuming some poisonous substance. The police arrested the petitioner on 25.05.2021 and on completion of investigation filed charge-sheet against her.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of short reply filed by way of affidavit of Sh. Tushar Gupta, IPS, Assistant Superintendent of Police, Sub-Division Garhshankar, Hoshiarpur through e-mail print out of which is taken on record.

Custody certificate has been filed by learned State Counsel through e-mail print out of which is also taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Admittedly, the deceased was having love affair with the petitioner. The deceased committed suicide due to pressure of the complainant and other family members to give up his love affair. The petitioner did not aid or abet commission of suicide by the deceased in any manner. The deceased did not leave any suicide note implicating her. Offence under Section 306 of the IPC is not made out against the petitioner. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner abetted commission of suicide by the deceased. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, the fact that the case involves debatable question as to whether there was any abetment on the part of the petitioner to commission of suicide by the deceased and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.08.2021

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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