

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29650-2021

Date of Decision: 02.08.2021

Palak Golan

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.R. Sharma, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Durga Dutt, Advocate, for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.200 dated 27.04.2021, under Section 306 of the Indian Penal Code, 1860, registered at Police Station Zirakpur, District SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that the petitioner is a girl of the age of 25 years and was working in the shop of the deceased who was the husband of the complainant. As per the allegations contained in the FIR the petitioner had allegedly caused financial loss to the shop of deceased and thereafter once even she was caught stealing some cash and thereafter she started blackmailing the deceased and thereafter the deceased became depressed and thereafter on the fateful day he had unfortunately committed suicide and, therefore, the present FIR was lodged under Section 306 IPC. The

learned counsel has submitted that even the suicide note was recovered which

also stated the same story which has been stated in the FIR to the effect that it was due to depression that the deceased has committed suicide. The learned counsel submitted that it is a case where the basic ingredients of Section 306 IPC read with Section 107 IPC are not fulfilled. He submitted that it was not a case that there was immediate intimidation by the petitioner for the commission of suicide and there was no link with the petitioner and action of suicide by way of any intimidation and depression itself would not become a ground for making out an offence against the petitioner. The learned counsel further submitted that the petitioner is in custody since 27.04.2021, which is more than 3 months and the investigation of the case is already complete and nothing is to be recovered from the petitioner and the challan has already been presented before the competent Court and, therefore, has prayed for the grant of regular bail to the petitioner.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is a case where a suicide was committed due to the depression of the deceased and, therefore, in view of the seriousness of the case, he has opposed the grant of regular bail. However, he has not disputed the custody of the petitioner and that the investigation of the case is already complete and nothing is to be recovered from the petitioner and the challan stands presented before the competent Court.

I have heard the learned counsel for the parties.

The investigation of the case is already complete and as per the learned counsel for the parties no recovery is to be made from the petitioner and the challan stands presented. The petitioner is a girl of the age of 25 years and the trial of the case may take long time and, therefore, this Court deems it fit and proper considering the totality of circumstances of the present case to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

02.08.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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