

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

**211**

**CRM-M No.25582-2020**

**Date of decision:21.01.2021**

Charanjit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

**SUVIR SEHGAL J. (ORAL)**

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.60, dated 26.03.2020 registered under Sections 306 of the Indian Penal Code, 1860 (later on added offence under Section 34 of IPC vide rapat/DDR No.21 dated 27.03.2020) at Police Station City Kotkapura, District Faridkot.

Counsel for the petitioner has argued that from a perusal of the FIR, it is apparent that there is no abetment or instigation on the part of the petitioner, who is a 37 years old lady. He submits that though the petitioner was already married and was in a live in relationship with

deceased and the deceased had specifically mentioned her name in the suicide note, but that in itself is not enough to involve the petitioner in the offence under Section 306 of IPC. He submits that the investigation is complete, challan has been presented, charges have been framed but the prosecution evidence is yet to start and therefore, the petitioner, who is in custody since 28.03.2020, deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from SI Pritam Singh, has opposed the petition. He has referred to the forensic science laboratory report dated 26.11.2020 to submit that the handwriting of the deceased on the suicide note has matched with his admitted writing. He has expressed an apprehension that the petitioner is likely to influence the material witnesses.

Countering his argument, counsel for the petitioner has pointed out that the complainant is a member of CIA staff and the petitioner who is a lady is in no position to influence the complainant.

I have considered the rival submissions of the parties.

The mere mention of name of the petitioner in the suicide note is not sufficient to implicate her for the offence punishable under Section 306, IPC without any other incriminating material.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the

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

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

**21.01.2021**

pooja saini

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No

**Whether Reportable : Yes/No**