

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

Sr. No.212

CRM-M-33368-2021

Date of decision: 22.09.2021

Alka

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.254 dated 19.12.2020, registered under Sections 306 and 34 IPC at Police Station Division No.2, District Pathankot.

Briefly stated, the case of the prosecution is that on account of the petitioner having illicit relations with co-accused Rakesh Kumar, the deceased – her husband was driven to commit suicide.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no criminal case pending against her; she has two minor children to take care of; she has been in custody since 30.05.2021; investigation in the case is complete; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, her alleged illicit relations with co-accused Rakesh Kumar would not constitute abetment within the meaning of Section 107 IPC for causing her husband's suicide and that the petitioner's trial, which is yet to begin and in which 17 prosecution witnesses have been cited is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that she has abetted her husband's suicide.

However, whether the petitioner's alleged illicit relations with co-accused Rakesh Kumar would constitute abetment within the meaning of Section 107 IPC would be debated during the petitioner's trial; the petitioner is a 27 year old lady having two minor children; she has been in custody since 30.05.2021; the petitioner has no other criminal case pending against her; investigation in the case is complete; and that the petitioner's trial, which is yet to begin in which 17 prosecution witnesses are cited is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Pathankot, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 22, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No