

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

106

CRM-M-40148-2021

Date of Decision : October 04, 2021

RENU BALA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. J.K. Singla, Advdocate
for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.174 dated 09.06.2021 under Sections 306, 34 of IPC, Police Station Sadar Mansa, District Mansa.

The learned counsel for the petitioner has submitted that the petitioner is a lady of about 30 years of age and she is in custody since 18.06.2021 and the investigation of the case is already complete and the challan under Section 173 of the Cr.P.C. stands presented on 13.08.2021. He submitted that it is a case where a matrimonial dispute arose between the petitioner and her husband, namely, Amandeep Mittal, who unfortunately allegedly committed suicide and, thereafter, the petitioner

has been arrested under Section 306 IPC. He submitted that the basic ingredients of Sections 306 and 107 IPC are not fulfilled in the present case and the other co-accused, namely, Shiv Kumar, who is the brother of the petitioner has already been enlarged on bail by this Court on 02.09.2021 vide CRM-M-35326 of 2021. He has further submitted that since the investigation of the case is already complete and no recovery is to be effected from the petitioner and even the FSL report with regard to the suicide note has also not been received, no useful purpose will be served in case her further incarceration is prolonged, as the trial of the case may take a long time.

On the other hand, Mr. Thind, learned DAG, Punjab has submitted that it is correct that the petitioner is in custody since 18.06.2021 and after completion of the investigation, the challan has already been presented. He has also submitted that it is also correct that the FSL report with regard to the veracity of the suicide note is also not received as yet.

Mr. Singla, learned counsel for the complainant has submitted that it was only on the basis of instigation made by the petitioner that the deceased Amandeep Mittal had committed suicide and therefore, has opposed the grant of the bail to the petitioner. He further submitted that there is even an audio recording with regard to the conversation between the petitioner and the deceased and they had a fight even on the phone call as well, in which various threats were also made.

I have heard the learned counsels for the parties.

The petitioner is a lady of 30 years of age and the allegation

against the petitioner is that she has abetted the commission of suicide of her husband, namely, Amandeep Mittal. The investigation of the case has already been completed and the challan has already been presented but the report of the suicide note has not been received. The argument raised by the learned counsel for the complainant that there is an audio clip available with regard to the exchange of fight on telephone between the petitioner and the deceased would be a subject matter of the trial and would certainly not become a ground for denial of bail to the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the facts and circumstances of the present case, this Court deems it fit and proper to grant the concession of bail to the petitioner.

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

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

October 04, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No