

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

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**CRM-M-35804-2020
Date of decision: 19.01.2021**

Lakshmi Devi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. I.P.S. Kohli, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, 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 (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.103 dated 16.07.2020 (**Annexure P-1**) registered under Sections 306 and 120-B of the Indian Penal Code, 1860 at Police Station Division 1, District Police Commissionerate, Jalandhar.

The above said FIR was registered on statement of Raj Kumar brother of deceased Gopal. In his statement Raj Kumar alleged that Gopal was married with accused Lakshmi Devi and one daughter was born out of the wedlock. Gopal was doing work of driving OLA bike-taxi while Lakshmi was working as dancer in Orchestra Party. Gopal objected to the same but Lakshmi did not accede and went to her parental house at Kapurthala. Gopal went to his in-laws house but he

was beaten by Ganesh brother of Lakshmi and other family members. On 13.07.2020, at about 5/6 P.M. accused Lakshmi, her mother Yamuna Devi, father Gur Bahadur, brother Ganesh, Ganesh's wife Kalpna, brother Hari Bahadur, Ganesh's son Sam, Simran Kaur @ Seeta and her younger brother-in-law came to their house and took the belongings of accused Lakshmi by beating and threatening Gopal and his father. On 15.07.2020, Gopal told him that his wife and his in-laws had sent message threatening to beat him and implicate him in criminal cases. His brother Gopal being annoyed and upset committed suicide by hanging from the ceiling fan.

The petitioner, who is in custody since her arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sukhjinder Singh, PPS, Assistant Commissioner of Police, North, Jalandhar which is taken on record.

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

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was married to deceased Gopal and in the year 2009 one daughter was born out of the wedlock. The deceased was working as Bike-Taxi Driver whereas the petitioner was working as Dancer in Orchestra Party. Even as per the complainant's version, the deceased was unhappy

with the profession of petitioner and used to stop her which led to matrimonial discord between them. The petitioner left the matrimonial home in the month of February due to matrimonial discord and started living with her parents. The petitioner did not abet or instigate suicide by the deceased in any manner. Offence under Section 306 of the IPC is not made out against the petitioner. Co-accused Gur Bahadur, Ganesh, Hari Bahadur and Sham Sunder have been granted bail by this Court vide order dated 30.10.2020. The complainant has already filed an affidavit dated 11.08.2020 stating therein that he did not wish to continue with the prosecution of the petitioner and others. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having abetted commission of suicide by her husband due to his maltreatment by her and has committed serious offence. In view of the gravity of accusation, 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, nature of accusation, involvement of debatable question as to whether alleged acts and conduct of the petitioner constitute abetment to commit suicide, grant of bail to co-accused Gur Bahadur, Ganesh, Hari Bahadur and Sham Sunder by this Court vide order dated 30.10.2020 and 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.

Therefore, 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.

19.01.2021

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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