

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45356-2021 (O&M)
Date of Decision:-29.11.2021

Neelam Devi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurdeep Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.165 dated 29.6.2021 at Police Station Model Town, District Hoshiarpur under Section 306 of Indian Penal Code.
2. The FIR was lodged at the instance of Ram Lubhaya, wherein he has stated that his son Avtar Chand was married to Neelam Devi (petitioner) about 14 years back. About 2 months back some differences cropped up between his son and his wife Neelam Devi as Neelam Devi used to suspected that her husband Avtar Chand was having some illicit relations with someone. On account of the said reason, Neelam Devi used to quarrel with Avtar Chand. It is alleged that Neelam Devi even used to provoke her parents, sister, *jija*

(brother-in-law), upon which they had also visited the complainant's house on 2-3 occasions but instead of settling the matter they started saying that Avtar Chand was not having any household property and could not meet with requirements of their daughter. It is alleged that about 15 days back, Neelam Devi again quarreled with Avtar Chand and then left for her parental home on account of which Avtar Chand became upset and ended his life by hanging himself from a girder in the house with the help of a *parna*.

3. Learned counsel for the petitioner has submitted that even if all the allegations as levelled in the FIR are taken to be correct, the same would show that there was some kind of matrimonial dispute between the deceased and the petitioner but the same cannot be construed to mean that the petitioner had abetted the commission of suicide. It has further been submitted that, in any case, the petitioner had already left her matrimonial home about 15 days prior to the incident and in these circumstances, it will certainly be debatable as to whether on the day of occurrence or immediately prior to that the petitioner had committed any act, which could be said to be abetment to commit suicide.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is the wife of deceased and there are specific allegations regarding the frequent quarrels between the petitioner and her husband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months and that she is not involved in any other case. It has been informed that although challan stands presented but not even a single PW out of the cited 12 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR would show that there are specific allegations as regards some kind of matrimonial discord between the petitioner and the deceased. However, having regard to the nature of allegations, it will certainly be debatable as to whether the said allegations are sufficient to constitute 'abetment to commit suicide'. The petitioner had left her matrimonial home 15 days prior to the occurrence and there is nothing on record to show that during the said 15 days i.e. before the commission of suicide, there had been any conversation between the petitioner and the deceased. In any case, the petitioner has been behind bars since the last about 5 months and challan already stands presented. Conclusion of trial is likely to consume time as not even a single PW out of the cited 12 PWs has been examined so far. The petitioner being a lady also deserves some concession in the matter of grant of bail. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No