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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50918-2021 (O&M)
Date of Decision: 10.12.2021

Surjit Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nakul Sharma, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.83 dated 17.08.2021 registered under Sections 306 and 34 IPC at Police Station Mamdot, District Ferezepur. The petitioner is in custody since her arrest on 18.08.2021.

The FIR was registered on the statement of complainant Kirpal Singh and the allegations as noticed by the ld. Addl. Sessions Judge, Fast Track Court, Ferozepur in the order dated 08.10.2021 are as under:

“.....The present case has been registered against the applicant/accused on the basis of statement of complainant Kirpal Singh s/o Saida Singh of Village Chak Dona Rahime Ke recorded to the police on 17.08.2021 in which he stated that he was working as Accountant in the Cherry Interprises Company Guru Har Sahai and was looking after the company's affairs at Madhya Pradesh State and was residing there. He came to meet his family about 2-3 days before the occurrence. He was blessed with two children i.e. one son Sunny aged about 19 years and a daughter Muskan aged about 21 years. About two years ago, his daughter Muskan had solemnized her court marriage with one Gursewak Singh s/o Milkha Singh of their village with her own free will and accused and his family members were not ready for it and due to this reason, his daughter and son in law Gursewak Singh were residing at a far distance from the village at unknown place, but for the last

about 2 months, his daughter was residing in her in-law's house and there was dispute between in-laws family and his daughter for the last two months as Gursewak Singh, and his family members were taunting the daughter of the complainant as she was from another caste and also used to beat her. On 16.08.2021, at about 11-12 pm, a dispute arose between the in-laws family and daughter of the complainant and after hearing about the dispute, the complainant and his brother Kala Singh and his wife Kiran reached to the house of Gursewak Singh where they saw that their daughter Muskan was lying on bed and she was died. The complainant was assured that due to the dispute between the aforesaid in-law family members and his daughter, taunting, beating and harassment caused by in-laws family members, his daughter Muskan had committed suicide by consuming some poisonous substance. On the statement of the complainant, the present case under Sections 306/34 of IPC was registered against applicant/accused and others (non applicants)."

Learned counsel for the petitioner has argued that Muskan (deceased) had performed runaway marriage with petitioner's son, namely, Gursewak Singh two years ago, as they were in love affair with each other. He further submits that the victim had voluntarily ended her life and has left behind a year old child, who is living with the family of the petitioner. According to him, the persecution had set up a common case against the petitioner and two others, namely, Balwinder Kaur and Sukhwinder Singh, who were released on anticipatory bail. He submits that the investigation of the case is complete, therefore, the petitioner be released on bail.

Learned State counsel assisted by ASI Harbans Singh, has though opposed the prayer, but does not dispute the fact that the victim had performed a love marriage with the son of the petitioner and according to him, after marriage, they did not reside in the petitioner's house and had started living with petitioner's family, just two months before occurrence. He, on instructions states that the final report stands filed on 16.10.2021, but the charges have not been framed so far.

After hearing the learned counsel for the parties, this Court

finds that though the final report has been filed on 16.10.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 18.08.2021. Apart from it, the material witnesses are either close relatives of the deceased or official witnesses and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

10.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No