

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

CRM-M-367-2022
Date of decision: 27.4.2022

Narinder Kaur @ Nindro

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate, for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.
Mr. Hitesh Chopra, Advocate, for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.59 dated 1.6.2021, registered under Section 306/34 IPC, at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

As per the facts of the case, the present FIR was lodged by the complainant, namely, Nirmal Singh. It was alleged that he was married with Rajwant Kaur, who is working as a helper in Anganwari Department. She had to take Rs.3 lacs from Aman daughter of Jhirmal Singh and her brother Sonu and her mother Narinder Kaur about two years back, but they were not giving the money. Whenever, his wife Rajwant Kaur demanded money from them, they used to insult her and sent her back. On 30.5.2021, the complainant left for his duty and thereafter he came to know that her wife went to the house of Narinder Kaur alias Nindro and her daughter Aman and her son Sonu for taking money but she insulted her and rather said like other people she should

also die by taking medicine and refused to give money. Being upset, his wife committed suicide. It was alleged that Narinder Kaur @ Nindro, Aman and Sonu are responsible for the suicide of his wife. FIR was lodged for taking action against the culprits. Investigation commenced and a suicide note was also recovered by the Investigating Agency. The petitioner was arrested on 22.8.2021. The petitioner approached the learned Additional Sessions Judge, Gurdaspur praying for the grant of bail, who after hearing the parties, declined the same vide its order dated 22.10.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He submits that in all there are three accused named in the alleged suicide note, namely, Sonu, Amanpreet Kaur and Nindro, but the investigating agency declared Amanpreet Kaur as innocent with the reasons best known. He submits that thereafter, Amanpreet Kaur has also been granted anticipatory bail. He submits that in view of the allegations made in the FIR, no offence under Section 306 read with Section 107 IPC is made out as simple refusal to give money would not constitute instigation under Section 107 IPC. He further submits that the petitioner has no criminal antecedents and has never been involved in any other criminal case. He submits that even otherwise, the investigation stands complete and challan has already been presented and charges have also been framed, thus, the petitioner cannot be apprehended to have scuttled the investigation. He submits that in the overall facts and circumstances, the petitioner deserves to be enlarged on bail.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner is duly named in the suicide note and as per the allegations in the FIR deceased Rajwant Kaur had gone to the petitioner for demanding money and it was the petitioner and her family members, who insulted the deceased, which compelled her to commit suicide.

Learned State counsel has submitted that there are specific allegations against the petitioner. She submits that suicide note was sent to the FSL and handwriting of the suicide note is duly matched with that of the deceased. However, she submits that challan has been presented and charges have been framed and now the case is fixed for recording of the prosecution evidence.

Heard.

The petitioner is behind bars since 22.8.2021. In the suicide note the petitioner has been named along with two other accused, in which co-accused Amanpreet Kaur was declared innocent by the Investigating Agency and she is already on anticipatory bail. The investigation already stands completed and charges have been framed. There is nothing on record showing that the petitioner has earlier been involved in any other criminal incidents. Though the allegations and counter allegations would be established by the trial Court on the appreciation of the evidence to be led by the parties, however, in the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

27.4.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No