

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1636-2022 (O&M)

Date of decision : 16.03.2022

Arshdeep Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Buta Singh Bairagi, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-7234-2022

This is an application under Section 482 Cr.P.C. for placing on record photo of the petitioner and deceased as Annexure P-3.

Application is allowed. Annexure P-3 is taken on record subject to all just exceptions.

CRM-M-1636-2022

This is a first petition under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in FIR no.170 dated 19.08.2021 registered under Sections 306, 506, 120-B IPC at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner has submitted that in the present case even in case the allegations levelled in the FIR are taken to be

out inasmuch as the alleged complaint was made by the petitioner, and in the said complaint dated 18.01.2021, the compromise is stated to have been effected on 21.04.2021 whereas the son of the complainant had committed suicide on 15.08.2021 and had died on 19.08.2021. Learned counsel for the petitioner has further submitted that the petitioner has been in custody since 28.11.2021 and there are 9 prosecution witnesses and none of them have been examined and the petitioner is not involved in any other case.

Learned State counsel has opposed the present petition and has submitted that in the present case, offence under Section 306 IPC prima facie is made out inasmuch as the present petitioner had got a complaint under Section 376 IPC filed against the deceased which was subsequently compromised but even after the said compromise had been effected, the petitioner, along with two co-accused, had been demanding money from the deceased on account of which he had committed suicide. It has further been submitted that the deceased has also left a suicide note.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is a young girl of 22 years and is stated to have lodged a complaint under Section 376 IPC which is stated to have been compromised on 21.04.2021. The son of the complainant had committed suicide on 15.08.2021 and had died on 19.08.2021. The fact as to whether in such circumstances, offence under Section 306 IPC is made out or not, would be a matter of debate and would be finally adjudicated during trial after the entire evidence is led. The petitioner has been in custody since 28.11.2021 and there are 9 prosecution witnesses and none of them have been examined and the petitioner is not involved in any other case, thus, the

petitioner deserves the concession of regular bail.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail, on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 16, 2022
Davinder Kumar

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