

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1554-2022 (O&M)
Date of decision: 11.03.2022

Baljit Kaur @ Sonia

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.132 dated 18.05.2020 under Section 306 IPC, registered at Police Station Division-B, District Amritsar.

Learned counsel for the petitioner relies upon the order dated 13.12.2021 passed in CRM-M-28288-2021, vide which co-accused Rohini @ Varsha, wife of the deceased, has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Per FIR, on 18.05.2020, son of complainant Zorawar Singh namely Harjinder Singh alias Toni (since deceased) committed suicide by hanging himself with ceiling fan. Prior thereto,

deceased made a suicide note written by him, stating therein that due to the harassment caused to him by his wife (petitioner), uncle of his wife Dharam Raj and friend of his wife, namely Sonia, he was taking the extreme step. Basis thereof, FIR was registered and petitioner as well as her friend and uncle were arrested. Challan has already been presented.

3. Learned counsel for the petitioner argues that there is no direct or indirect evidence of abetment by the petitioner for the commission of the alleged offence. The FIR was registered at the instance of father of the deceased on the basis of a suicide note found by him, which was not recovered by the police rather handed over to the IO by the complainant himself. The alleged suicide note too has been planted. The father of the deceased was against the marriage of the deceased with the petitioner. The relations between the complainant and the petitioner were not cordial since the very beginning. She is behind the bars since 20.05.2020 i.e. for a period of more than 1 year and 6 months. The petitioner has been falsely implicated. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more.

4. Learned State counsel opposes the bail plea of the petitioner. He argues that there are specific allegations against the petitioner in the suicide note. He submits that there is every likelihood that she may influence the witnesses.

5. *I have heard rival contentions of the respective learned counsels.*

6. *On a Court query, learned State counsel, under instructions from ASI Jagdish Kumar, submits that the complainant (father-in-law of the petitioner), on whose instance FIR was registered, has not supported the original version and has turned hostile. Material witness has been examined and rest of the witnesses are all officials.*

7. *In the premise, the net result is that the material witness has not supported the prosecution version. Recording of the statements of the rest of the witnesses will still take some time. The petitioner is in custody since 20.05.2020. The argument of the learned State counsel that the petitioner is likely to influence the witnesses, prima facie does not seem to be tenable as rest of prosecution witnesses are officials.*

8. *The pending trial is also not likely to conclude anytime soon as the Courts are currently functioning under certain restrictions caused by COVID-19 pandemic and till outcome thereof, to keep the petitioner in custody merely on the ground of apprehension, seems to be improper and unfair at this stage.*

9. *Considering the overall scenario, coupled with prolonged detention already undergone, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further*

preventive custody... ”

Learned counsel has also relied upon another order of even date i.e. 13.12.2021 passed in CRM-M-14870-2021, vide which another co-accused Dharam Raj has also been granted the concession of regular bail, considering the long custody. The operative part of the order reads as under: -

“...2. Per FIR, on 18.05.2020, son of complainant Zorawar Singh namely Harjinder Singh alias Toni (since deceased) committed suicide by hanging himself with ceiling fan. Prior thereto, deceased made a suicide note written by him, stating therein that due to the harassment caused to him by his wife (petitioner), uncle of his wife Dharam Raj and friend of his wife, namely Sonia, he was taking the extreme step. Basis thereof, FIR was registered and petitioner as well as her friend and uncle were arrested. Challan has already been presented.

3. Learned counsel for the petitioner argues that there is no direct or indirect evidence of abetment by the petitioner for the commission of the alleged offence. The FIR was registered at the instance of father of the deceased on the basis of a suicide note found by him, which was not recovered by the police rather handed over to the IO by the complainant himself. The alleged suicide note too has been planted. The father of the deceased was against the marriage of the deceased with Rohini @ Varsha. The relations between the complainant and his daughter-in-law were not cordial since the very beginning. The petitioner is in custody

since 18.05.2020 i.e. for a period of more than 1 year and 6 months. The petitioner has been falsely implicated. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more.

4. Learned State counsel opposes the bail plea of the petitioner. He argues that there are specific allegations against the petitioner in the suicide note. He submits that there is every likelihood that she may influence the witnesses.

5. I have heard rival contentions of the respective learned counsels.

6. On a Court query, learned State counsel, under instructions from ASI Jagdish Kumar, submits that the complainant (father-in-law of the petitioner), on whose instance FIR was registered, has not supported the original version and has turned hostile. Material witness has been examined and rest of the witnesses are all officials.

7. In the premise, the net result is that the material witness has not supported the prosecution version. Recording of the statements of the rest of the witnesses will still take some time. The petitioner is in custody since 20.05.2020. The argument of the learned State counsel that the petitioner is likely to influence the witnesses, prima facie does not seem to be tenable as rest of prosecution witnesses are officials.

8. The pending trial is also not likely to conclude anytime soon as

the Courts are currently functioning under certain restrictions caused by COVID-19 pandemic and till outcome thereof, to keep the petitioner in custody merely on the ground of apprehension, seems to be improper and unfair at this stage...”

For the sake of brevity, facts are not reproduced again.

Learned counsel has further submitted that it is already noticed in the aforesaid orders that the complainant has not supported the original version and has turned hostile.

Learned State counsel, on the basis of custody certificate filed in the Court today, has not disputed the factual position. As per custody certificate, the petitioner is in custody for the last 01 year, 09 months and 22 days and is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No