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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-20052-2022 in/and
CRM-M-2561-2022 (O&M)
Date of Decision:30.05.2022

Rani

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surinder Garg, Advocate for applicant-petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-20052-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-2561-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.113 dated 09.11.2021 registered under Sections 306/34 IPC at Police Station Smalsar, District Moga. The petitioner is in custody since her arrest on 10.11.2021.

the allegations as noticed by the Id. Addl. Sessions Judge, Moga in the order dated 06.12.2021 are as under:

“In the present case, FIR was got registered at the instance of Gurwinder Khan. It is in accusation that he has a private clinic in village Singhawala and his three brothers are eldest to him and the youngest to him is Chhinder Khan alias Tawfiq Khan and younger to him is Bidhu Khan. Chinder Kahur used to do whole work of house. On 10.4.2019 he got married with Hina. His wife had done Ilets before marriage. His wife went to Canada on August 10, 2019. His brother continued to send all her fees at Canada and they kept talking to her on the phone. When she stopped talking to the family on the phone, they met his in-laws i.e. father in law Siraj Ali, mother-in-law Rani and brother-in-law Sehbaj Ali and they told that they would talk with their daughter Hina and get her to talk to complainant on the phone. Thereafter they took respectables to his in laws house but they put off the matter on one pretext or the other. They spent about Rs.25 lakhs for sending his wife to Canada for education. As a result, his brother Chhinder Khan became ill due to mental illness. They used to give him medicine from nearby private hospitals. About a week ago today, he and his other relatives went to his in-laws' house where his father-inlaw, mother in law and brother in law met and told them that his wife Hina has not talked to them till now and they have spent a lot of money as result of which his brother remained sick. When they asked to settle the account, they told that they will sue him for dowry upon which they came back to their house. They told the whole thing to his brother Chhinder Khan. Chinder Khan consumed something poisonous in the night of 06/07-11-2021 and they got admitted him in Mandi Aadesh Hospital on 07-11-2021 where Dr. Sahib was treating him. Last night his brother Chinder Khan passed away. His brother had committed suicide as his father in law, mother in law, brother in law and wife used to humiliate and harass him Thus the FIR.”

Learned counsel for the petitioner has argued that the petitioner is mother-in-law of complainant Gurwinder Khan and as per allegations, after the marriage of complainant with the petitioner's daughter, namely, Hina, she left for abroad and did not speak to the complainant and this resulted in depression to his brother Chhinder Khan @ Taufik Khan. As per prosecution, the victim had spent money in sending her abroad, therefore, he ended his life by consuming poison and the petitioner has been

falsely implicated being mother-in-law of the complainant. He states that the investigation of the case is complete and the challan stands presented on 04.01.2022, but the charges are yet to be framed. He prays for bail.

Learned State counsel, assisted by ASI Manjit Singh, has opposed the prayer on the ground that serious allegations of abetting the commission of suicide of the victim is levelled against the petitioner. He, on instructions states that challan stands presented on 04.01.2022, but the charges are yet to be framed.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after her arrest.

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.

30.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No