

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5617-2022
Date of Decision: 15.02.2022

Rabia

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Harmeet Kaur, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.115 dated 21.10.2021, under Sections 302,307,326-A and 306 IPC, registered at Police Station Mohkampura, District Amritsar.

The learned counsel for the petitioner has submitted that the petitioner is a lady aged 23 years and she is the wife of one Happy @ Harish Kumar who is brother-in-law of deceased Manpreet Singh. She further submitted that the petitioner is in custody from 05.12.2021 and the other co-accused who are at parity with the petitioner have been granted anticipatory bail by this Court vide Annexures P-2 and P-3. She further submitted that initially the FIR was registered under Sections 307 and 326-A IPC and later on Section 306 IPC was added in view of the fact that the allegations which were contained in the FIR were found to be false and

in fact the deceased Manpreet Singh had alleged that the sister of his wife had poured oil on him and had set him ablaze but thereafter on the basis of CCTV footage it was found that the aforesaid deceased namely Manpreet Singh had himself poured oil on his body and had set himself ablaze and, therefore, Section 306 IPC was added and thereafter when Manpreet Singh had died, then Section 302 IPC was also added. She further submitted that CCTV footage is totally clear whereby the deceased Manpreet Singh had put oil on him and set himself ablaze and, therefore, it is totally in contradiction with the allegations contained in the FIR. She further submitted that the petitioner is not involved in any other case and has clean antecedents and after investigation of the case, the challan has been presented before the competent Court and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Hittan Nehra, learned Additional Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 05.12.2021 and the investigation of the case is already complete and challan stands presented before the competent Court. He has also not denied that the other co-accused have been granted interim anticipatory bail vide Annexures P-2 and P-3. He further submitted that the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner is in custody from 05.12.2021 and as per the learned counsel for the parties, the investigation has been completed and challan has been presented before the competent Court and no recovery is to be effected from the petitioner. It has not been disputed by the learned State counsel that the petitioner is not involved in any other case. Furthermore, it

is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

15.02.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No