

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6035-2022
Date of Decision: 15.03.2022

RAJVIR KAUR @ MANPREET KAUR ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Sachdeva, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

(Through video conferencing)

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioner-Rajvir Kaur @ Manpreet Kaur has prayed for grant of regular bail in case bearing FIR No. 94 dated 12.10.2021, under Section 306 IPC registered at Police Station Sadar Abohar, Punjab.

Briefly, the FIR has been registered on the basis of the statement of the Bholi Kaur alleging that the deceased Shobha Kaur was her daughter, whose marriage was solemnized with Balwinder Singh @ Bunty about 3 years prior to the occurrence. At the time of the marriage, the in-laws family of the deceased was residing at Ganganagar in a rented accommodation. The deceased was working as a Nurse in Sanjeevani Dental Hospital, Shri Ganganagar and had also purchased a house in Sureya Colony, Shri Ganganagar from her savings and after getting money from the parental family. After about 3 months from the marriage, the deceased was turned out of the matrimonial house. After about 2½ years, Balwinder Singh @ Bunty took the deceased with him to village Kundal, where she

had been residing for a period of 4 months prior to the occurrence. The deceased had disclosed to the complainant that her mother-in-law, husband and sister-in-law, i.e. the petitioner had been harassing her, not allowing her to go outside the house and not to do her job. On 11.10.2021, Balwinder Singh @ Bunty telephonically informed the complainant that the deceased along with her son have left the house and have not been found despite search. On 12.10.2021, at about 12:30 p.m., the complainant came to know that the dead body her daughter Shobha Kaur has been recovered from the drain/water course near Railway Lines, Village Koyalkhera and the dead body of her maternal grandson has been recovered from Panjawan Minor, Panjkosh Road, near Railway Crossing, Village Telupura. It has been alleged that the deceased along with the grandson had committed suicide by jumping in the canal being harrassed by her husband Balwinder Singh @ Bunty, mother-in-law and the petitioner.

Learned counsel for the petitioner states that the petitioner is the sister-in-law (Nanad) of the deceased, whose marriage was solemnized in the year 2002 and she is residing separately with his family consisting of two minor sons. The deceased has recorded no suicide note prior to the occurrence. Furthermore, in the statements recorded under Sections 161 Cr.P.C., Rajinder Singh, the father and Bholi Kaur, the complainant have only alleged that husband and mother-in-law of the deceased had been harassing her. The said statements are silent with regard to any attribution to the petitioner. The investigation of the case is complete, challan has been presented and the charge has only been framed under Section 306 IPC. Moreover, the petitioner is in custody for a period of 5 months and not involved in any other case.

Learned State counsel, on instructions of ASI Dayal Chand has not assailed the aforesaid factual aspect of the case but has opposed the bail application on the score that the name of the petitioner finds mention in the statement of Bholi Kaur recorded on 12.10.2021 on the basis whereof FIR has been registered and allegations of harassment have also been imputed against her.

Be that as it may, it is significant to note that subsequently, the statement under Section 161 Cr.P.C. of Bholi Kaur as well as her husband were recorded on 30.11.2021 wherein there is no allegation with regard to harassment having been extended by the petitioner to the deceased. Moreover, the marriage of the petitioner was solemnized in the year 2002, she is having two minor children and is residing in the separate house, though in the same village, the investigation of the case is complete, the challan has already been presented, the conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

15.03.2022

Janki

(VIVEK PURI)
JUDGE

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