

**237 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-10653-2022

Decided on: 16th March, 2022

Kulwinder Kaur

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Karunesh Kaushal, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. The petitioner is seeking regular bail in FIR No. 128, dated 19th December, 2021, under Sections 306 read with Section 34 IPC, 1860, registered at Police Station Raman, District Bathinda.

2. The FIR was registered on the statement of Kuldeep Singh father of Harjinder Singh (deceased). As per the case set up, the complainant entered into an agreement with Harjeet Singh for purchase of 2 acres of land. The Civil Suit with regard to agreement to sell was pending in the Civil Court. There are allegations that Buta Singh used to threaten to withdraw the case. Kulwant Kaur(petitioner) wife of Buta Singh used to say that in case the suit is not withdrawn, the complainant would be implicated in a false rape case. The family of the complainant was under tension due to the pending litigation. On 18th December, 2021, the deceased consumed some poisonous substance. On his way to hospital, he handed over a slip to the complainant wherein it was reported that Buta Singh, Harjeet Singh and his wife were responsible for his death.

3. Learned counsel for the petitioner submits that civil allegations

pending between the parties; though the petitioner was named in the suicide note but no case is made out for abetment; Petitioner is in custody since 15th January, 2022 and no recovery is to be made from her and co-accused was granted anticipatory bail by this Court.

4. Learned State counsel opposes the prayer for grant of bail and submits that petitioner was specifically named in the suicide note and there was a threat of involving deceased in a false case.

5. Though the complainant is not impleaded as party, Mr. Karunesh Kaushal, Advocate appears on behalf of the complainant and submits that complainant's family has been duped of hard earned money.

6. There is a civil suit pending between the parties, no recovery is to be made, investigation is complete and challan stands presented. The issue as to whether Section 306 IPC is made out against the petitioner would be debatable, petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

16th March, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No