

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.245

CRM-M-11169-2022

Date of decision: 17.03.2022

Gurmeet Kaur

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

Mr. Sahil Chowdhary, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.114 dated 31.12.2021, registered under Section 306 IPC at Police Station Hajipur, District Hoshiarpur.

The petitioner is being prosecuted for having abetted Kashmir Kaur's suicide.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to a matrimonial dispute between the deceased and the petitioner's daughter, who is the deceased's daughter-in-law; the petitioner has been in custody since 04.01.2022; the petitioner has no other criminal antecedents; investigation in the case is complete; the complainant who is the deceased's husband, has openly acknowledged that it was not the petitioner, who abetted his wife's suicide and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned counsel appearing for the complainant submits that he has clear instructions from his client that it was not the petitioner who abetted his wife's suicide.

Learned State counsel opposes the grant of bail to the petitioner on the ground that she played an active role and abetted Kashmir Kaur's suicide.

Whether the alleged harassment by the petitioner would constitute abetment under Section 107 IPC would be debated during the petitioner's trial especially in the light of the complainant acknowledging that it was not the petitioner who had played any role in his wife's suicide. However, the petitioner is a 52 years old housewife; the petitioner has been in custody since 04.01.2022; the petitioner has no other criminal antecedents; investigation in the case is complete; the complainant, who is the deceased's husband, has openly acknowledged that it was not the petitioner, who abetted his wife's suicide and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

March 17, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No