

236 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18214-2022
Date of Decision: 12.05.2022

CHHINDER KAUR ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

Custody certificate has been placed on record.

Through instant petition, the petitioner is seeking 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 contends that the petitioner is in custody for a period of 06 months and 28 days and is not involved in any other case. There are vague allegations with regard to harassment and no specific instance has been pointed out with regard to any cruelty or harassment meted out to the deceased at the hands of the petitioner. The marriage was solemnized about three years prior to the occurrence and no complaint or representation was submitted to any forum. The allegations that has been put forth in the FIR are to the effect that after about three months from the marriage, the deceased was turned out of the house by the family members of her in-laws after causing harassment. Subsequently, after about 2½ years, the husband of the deceased took her back to the house of her in-laws. Moreover, the co-accused, namely, Rajvir Kaur @ Manpreet Kaur has been granted bail.

Learned State counsel has resisted the bail application on the

score that the name of the petitioner finds mention in the statement of the complainant on the basis whereof FIR has been registered, there are allegations of harassment imputed against her and the case of the petitioner is not at par with the co-accused.

Be that as it may, it is significant to note that there is no specific instance of harassment meted out to the deceased at the instance of the petitioner. It will remain a debatable and moot point during the course of trial as to whether the deceased had committed suicide on account of any abetment or instigation extended by the petitioner to the deceased. Furthermore, the investigation of the case is complete and challan has already been presented in the Court. The petitioner is in custody for a period of 06 months and 28 days, conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without commenting anything on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

12.05.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No