

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(212)

CRM-M-20092-2022
Date of decision:- 29.07.2022

Manpreet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jagvinder Singh Santwal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking post-arrest bail in case FIR No.42 dated 28.03.2022, registered for offences under Sections 306 and 120-B of the Indian Penal Code, 1860 (for short "IPC"), at Police Station City Rupnagar, District Rupnagar, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Gursewak Singh on the allegation that his sister, Jaspreet Kaur, was married to Kulbir Singh on 18.06.2019. It was the second marriage of both of them. Kulbir Singh was in relationship with his sister-in-law, Manpreet Kaur (present petitioner), and at her and her husband's instigation, Kulbir Singh, used to harass Jaspreet Kaur and had severed ties with his in-laws. Allegation has also been levelled that he had physically assaulted her, which he admitted before the panchayat. Both, Kulbir Singh and Jaspreet Kaur, consumed poison, though Jaspreet Kaur unfortunately expired and Kulbir Singh survived.

Counsel for the petitioner contends that the petitioner is 34 year old married lady and has been falsely implicated by the brother of the deceased as there was a marital discord between the deceased and her husband. It is his specific case that the deceased did not leave behind any suicide note and the allegation of abetment or instigation when seen in the light of Section 107, IPC is not made out and ingredients of Section 306, IPC are not satisfied. Still further, he submits that challan has been presented and the petitioner is no longer required for custodial interrogation.

Per contra, learned State counsel, upon instructions received from ASI, Sucha Ram, submits that final report under Section 173, Cr.P.C has been presented on 02.06.2022, though it is not clear as to whether the matter has been committed to the Sessions Court. As per his instructions, there are categoric allegations against the petitioner in the FIR.

Having heard counsel for the parties, this Court is prima facie of the view that the culpability of the petitioner in the offence would remain subject matter of debate before the Trial Court. The petitioner, who is a middle age lady, would be entitled to be released on bail as the trial is yet to start.

Without adverting to the merits or de-merits of the arguments addressed by the counsel for the parties, petition is allowed. The petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

29.07.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No